

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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STEVEN C. FUSTOLO,  
Plaintiff,

v.

SELECT PORTFOLIO SERVICING, INC. and  
FEDERAL HOME LOAN MORTGAGE CORP.  
AS TRUSTEE OF SCRT 2019-2,  
Defendants.

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C.A. 1:23-cv-10033-RGS

**MEMORANDUM OF LAW IN SUPPORT OF MOTION OF DEFENDANTS TO  
DISMISS AMENDED VERIFIED COMPLAINT FOR FAILURE TO STATE A CLAIM**

**I. INTRODUCTION**

Plaintiff Steven C. Fustolo cannot prohibit foreclosure of the mortgage upon Fustolo's undisputed default. Federal Home Loan Mortgage Corporation, as Trustee (the "Trust"), owns the promissory note signed by Fustolo and holds the mortgage on rental property granted by Fustolo to secure the note. Fustolo is judicially estopped from contesting foreclosure because Fustolo surrendered title to the rental property in Fustolo's Chapter 7 bankruptcy case. All claims in the First Amended Verified Complaint ("FAVC") against the Trust and its servicer Select Portfolio Servicing, Inc. ("SPS") fail as a matter of law.

**II. FACTUAL ALLEGATIONS**

On January 10, 2009, Steven Fustolo purchased the investment property at 115 Salem Street, Unit 13, Boston, Massachusetts (the "Property"). (FAVC, ¶ 5).<sup>1</sup> Fustolo signed a

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<sup>1</sup> In 2013, Fustolo submitted an affidavit in his Chapter 7 bankruptcy case certifying his residence as 110 Church Street, Winchester, Massachusetts. (See Affidavit, ¶ 10, attached hereto at **Tab B**). Fustolo in his bankruptcy schedules likewise affirms his primary residence in Winchester and shows the Property as rental property. (Bankruptcy Schedules Excerpts, attached hereto at **Tab C**).

promissory note documenting a loan in the amount of \$283,500 from original lender Union Capital (the “Note”). (FAVC, ¶ 5; Exhibit 2 to FAVC). Fustolo also granted a mortgage on the Property to Mortgage Electronic Registration Systems, Inc. (“MERS”), as nominee for the lender and the lender’s successors and assigns (the “Mortgage”). (FAVC, ¶ 8; Exhibit 1 to FAVC).

MERS subsequently assigned the Mortgage to HSBC Bank. (FAVC, ¶ 10). Union Capital indorsed an allonge to the Note payable to HSBC Mortgage Corporation. (FAVC, ¶ 23; Exhibit 2 to FAVC). HSBC Mortgage Corporation thereafter indorsed the Note in blank. (FAVC, ¶ 23; Exhibit 2 to FAVC). The Trust currently holds the Note. (FAVC, ¶ 22; Exhibit 2 to FAVC; Mortgagee’s Affidavit, attached as Exhibit 20 to FAVC (highlighted copy attached hereto at **Tab E**)). The Trust subsequently was assigned the Mortgage as set forth in an assignment recorded on August 12, 2021. (FAVC, ¶ 10(f); Exhibit 8 to FAVC). SPS is the current servicer of the Fustolo mortgage loan on behalf of the Trust. (FAVC, ¶ 6).

On May 6, 2013, other creditors of Fustolo filed an involuntary Chapter 7 bankruptcy petition against Fustolo in the United States Bankruptcy Court for the District of Massachusetts. (FAVC, ¶ 39; Docket Entries for Case No. 13-12692, attached hereto at **Tab A**). Fustolo in his bankruptcy schedules identified the Property as having a \$300,000 value with the Mortgage designated as a \$330,000 secured claim. (**Tab C**). On January 31, 2014, Fustolo stated his intent to surrender the Property. (Docket Entries, #109; Statement of Intention, attached hereto at **Tab D**). On April 22, 2014, Fustolo moved to compel the Chapter 7 Trustee to abandon all four rental units at 115 Salem Street, including the Property. (Docket Entries, #127). On August 1, 2014, the Chapter 7 Trustee ultimately abandoned the Property. (Docket Entries, #156).

Fustolo defaulted under the Note and Mortgage. On September 17, 2019, SPS, on behalf of the Trust, sent Fustolo written notices of default and the right to cure the default with payment

due by December 19, 2019. (**Tab E**). SPS sent two letters dated September 17, 2019. One was the notice required by the Division of Banks in accordance with 209 CMR § 56.03, promulgated under G.L. c. 244, § 35A and § 35B. SPS used the notice form containing the mandatory language imposed by 209 CMR § 56.04. (See Division of Banks Regulations, attached hereto at **Tab F**). SPS included in the regulatory notice the following mandatory language: “Enclosed with this notice, there may be additional important disclosures related to applicable laws and requirements that you should carefully review.” (**Tab E**). Consistent with this language, SPS enclosed an additional letter containing disclosures required by law and the terms of the Mortgage, including paragraph 22. (**Tab E**; FAVC, ¶ 57). The additional notice, among other information, specified Fustolo’s “right to reinstate after acceleration of your loan and commencement of foreclosure proceedings” and reiterated Fustolo’s right to reinstatement of the Mortgage at “any time before the foreclosure sale” of the Property. (**Tab E**). SPS in the additional notice advised Fustolo that, “You have the right to bring a court action to assert the non-existence of a default or any other defense you may have to acceleration and sale.” (**Tab E**).

On April 2, 2021, SPS sent Fustolo a valuation of the Property of between \$500,000 and \$510,000. (FAVC, ¶ 32). The valuation was conducted in the context of Fustolo’s request for assistance with the defaulted mortgage loan. (FAVC, ¶ 37). SPS determined that Fustolo was not eligible for mortgage assistance, and advised that “we may have used this [valuation] information when deciding if you were eligible for an assistance option.” (FAVC, ¶ 37). Fustolo disputed the denial and valuation by SPS. (FAVC, ¶ 34). Fustolo provided SPS with a valuation of the Property for \$350,000. (FAVC, ¶ 34). SPS refused to alter its decision to deny a modification and concluded “a variance in the property value will not change the outcome of our decision; therefore, we will not adjust the property value.” (FAVC, ¶ 35).

### III. LAW AND ARGUMENT

#### A. Standard of Review

In deciding a motion to dismiss for failure to state a claim pursuant to Fed.R.Civ.P. 12(b)(6), the court accepts all well-pleaded factual allegations as true, drawing all reasonable inferences in the plaintiff’s favor. Langadinos v. American Airlines, Inc., 199 F.3d 68, 69 (1st Cir. 2000). A claim is subject to dismissal where the plaintiff fails to demonstrate a “plausible entitlement to relief.” Sanchez v. Pereira–Castillo, 590 F.3d 31, 41 (1st Cir. 2009) (citing Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)).

The plausibility inquiry involves two steps. “First, the court must sift through the averments in the complaint, separating conclusory legal allegations (which may be disregarded) from allegations of fact (which must be credited).” Rodriguez-Reyes v. Molina-Rodriguez, 711 F.3d 49, 53 (1st Cir. 2013) (citing Morales–Cruz v. Univ. of P.R., 676 F.3d 220, 224 (1st Cir. 2012)). “Second, the court must consider whether the winnowed residue of factual allegations gives rise to a plausible claim to relief.” Id. “Plausible, of course, means something more than merely possible, and gauging a pleaded situation’s plausibility is a ‘context-specific’ job that compels us ‘to draw on’ [a court’s] ‘judicial experience and common sense.’” Schatz v. Republican State Leadership Comm., 669 F.3d 50, 55 (1st Cir. 2012) (quoting Iqbal, 556 U.S. at 679).<sup>2</sup>

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<sup>2</sup> When deciding a motion to dismiss, a court “is generally limited to considering facts and documents that are part of or incorporated into the complaint.” Trans–Spec Truck Serv., Inc. v. Caterpillar Inc., 524 F.3d 315, 321 (1st Cir.2008). “A court may also consider a limited universe of materials not included in or attached to the complaint, such as documents incorporated by reference in [the complaint], matters of public record, and other matters susceptible to judicial notice.” In re Bailey, 437 B.R. 721, 727 (Bankr.D.Mass.2010) (internal citations and quotation marks omitted).



Fustolo's pleading obligations mandate more than "labels and conclusions" and "a formulaic recitation of the elements of a cause of action will not do[.]" Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007). A court is "not bound to accept legal conclusions couched in fact." In re Di Vittorio, 430 B.R. 26, 44 (Bankr.D.Mass.2010). Nor does a court give credence to any "fact" which has been "conclusively contradicted by plaintiffs' concessions or otherwise." Chongris v. Board of Appeals of Town of Andover, 811 F.2d 36, 37 (1st Cir.1987).

Applying these standards, the First Amended Verified Complaint fails to state a claim for recovery against SPS or the Trust as a matter of law.

**B. Fustolo Fails to State Claims Contesting the Mortgage Foreclosure**

**1. Fustolo is judicially estopped from raising foreclosure challenges**

Fustolo surrendered the Property in the Chapter 7 case. Consequently, Fustolo is barred from asserting any title rights to the Property. This includes contesting the power of the Trust to enforce and foreclose the Mortgage. See Ibanez v. U.S. Bank National Association, 856 F.Supp.2d 273, 276 (D. Mass. 2012) (holding that plaintiff was judicially estopped from "invoking the wrongful foreclosure of the same property that he surrendered in the Bankruptcy Court in exchange for the discharge of his debts.") (citing and quoting In re Pratt, 462 F.3d 14, 18-19 (1st Cir.2006)). See also Souza v. Bank of America National Association, 2013 WL 3457185, at \*3 (D. Mass. July 8, 2013) ("the doctrine of judicial estoppel prevents a mortgagor from challenging the 'foreclosure of the same property that he surrendered in the Bankruptcy Court in exchange for the discharge of his debts.'"); In re Schiavone, 2016 WL 7496166, at \* 11 (Mass.Land.Ct. Dec. 20, 2016) ("Further, because the Schiavones made a binding statement of intent to surrender the Property in return for a discharge of their debts, they are conclusively barred from asserting any claims related to the Property, including any challenge to the

foreclosure of the Mortgage.”); Pacia v. Deutsche Bank National Trust Company as Trustee for Morgan Stanley ABS Capital I, Inc. Trust 2006-NC5, Mortgage Pass Through Certificates Series 2006-NC5, 2022 WL 16961417, at \* 2 (D. R.I. Nov. 16, 2022) (citations omitted) (“Mr. Pacia's position, to challenge ownership rights in the Property, is inconsistent with his previous position in bankruptcy court, where he surrendered all rights in the Property.”). Accordingly, Counts I and II seeking to terminate enforcement of the Mortgage including through foreclosure fail as a matter of law. Likewise, all other Counts derivative of Fustolo’s estopped foreclosure challenge fail to state a claim.

## **2. Fustolo does not state a claim to prohibit foreclosure**

Fustolo’s mortgage foreclosure challenges rely on theories that courts have repeatedly rejected. The Trust is the current record holder of the Mortgage via the unbroken chain of recorded assignments starting with MERS as the original mortgagee and ending with the assignment to the Trust recorded on August 12, 2021. (FAVC, ¶ 10; Exhibit 8 to FAVC). See U.S. Bank National Association v. Ibanez, 458 Mass. 637, 651, 941 N.E.2d 40 (2011) (party may prove foreclosing mortgagee status by providing “a complete chain of assignments linking it to the record holder of the mortgage, or a single assignment from the record holder of the mortgage.”). Fustolo cannot legitimately contest the legal capacity of MERS to hold and assign the Mortgage. See, e.g., Haskins v. Deutsche Bank Natl. Trust Co., 86 Mass.App.Ct. 632, 642, 19 N.E.3d 455 (2014). Fustolo’s conclusory, speculative, and argumentative challenges to the assignment process do not state a claim. See Bank of N.Y. Mellon Corp. v. Wain, 85 Mass.App.Ct. 498, 502, 11 N.E.3d 633 (2014) (“where the foreclosing entity has established that it validly holds the mortgage, a mortgagor in default has no legally cognizable stake in whether there otherwise might be latent defects in the assignment process”); see also Strawbridge v. Bank

of N.Y. Mellon, 91 Mass.App.Ct. 827, 832, 79 N.E.3d 1103 (2017). Fustolo pleads no facts to indicate that the August 12, 2021 assignment of the Mortgage from SPS to the Trust is void. Consequently, Fustolo does not have standing to challenge the Trust's status as mortgagee. See Woods v. Wells Fargo Bank, N.A., 733 F.3d 349, 354 (1st Cir. 2013) (“[C]laims that merely assert procedural infirmities in the assignment of a mortgage, such as a failure to abide by the terms of a governing trust agreement, are barred for lack of standing”).<sup>3</sup>

Fustolo's attack on the Trust's status as the owner of the Note is likewise legally futile. Although the foreclosing party “must also demonstrate that it holds the note (or acts as authorized agent for the note holder),” Sullivan v. Kondaur Capital Corp., 85 Mass.App.Ct. 202, 210, 7 N.E.3d 1113 (2014), it need not show an unbroken chain of assignments of the note. LaRace v. Wells Fargo Bank, N.A., 99 Mass.App.Ct. 316, 328-329, 166 N.E.3d 1025 (2021).

A negotiable instrument, the Note may be transferred under Article 3 of the Uniform Commercial Code. “When indorsed in blank, an instrument becomes payable to bearer and may be negotiated by transfer of possession alone until specially indorsed.” G.L. c. 106, § 3-205(b). The Trust holds the Note with enforcement rights because the Trust possesses the Note indorsed in blank. (FAVC, ¶¶ 22-23; Exhibit 2 to FAVC). See G.L. c. 106, § 3-301; First National Bank of Cape Cod v. North Adams Hoosac Savings Bank, 7 Mass.App.Ct. 790, 797, 391 N.E.2d 689

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<sup>3</sup> The December 5, 2018 assignment (the so-called “Fifth Assignment”) from Nationstar to SPS does not impact the final assignment of the Mortgage from SPS to the Trust recorded on August 12, 2021. (FAVC, ¶ 10(f)). SPS was already assigned the Mortgage by Nationstar as documented in the assignment recorded on December 3, 2018. (See Exhibit 6 to FAVC). At that point, Nationstar had nothing to give to SPS because Nationstar had already conveyed its interest in the Mortgage to SPS, which in turn conveyed its interest to the Trust. The December 5, 2018 assignment did not undo the other valid assignments of record. See Fitzhugh v. Wells Fargo Bank, N.A. as Trustee for IMPAC CMB Trust Series 2005-3, 594 F.Supp.3d 265, 269-270 (D.Mass. 2022).

(1979) (“As the holder of the note, [plaintiff] also would be entitled to all payments to be made by the mortgagors on the note.”).

Fustolo’s contention that the owner of the Note and the holder of the Mortgage at times did not match is legally inconsequential. (FAVC, ¶ 30). “[N]othing in Massachusetts law requires a foreclosing mortgagee to demonstrate that prior holders of the record legal interest in the mortgage also held the note at the time each assigned its interest in the mortgage to the next holder in the chain.” Sullivan, 85 Mass.App.Ct. at 210. Fustolo’s complaints about a lack of “unity” between the Note and the Mortgage at various stages do not support a claim. An assignor of a mortgage is not required to have possession of or beneficial interest in the note in order to assign the mortgage because it holds the mortgage in trust for the note holder. Ibanez, 458 Mass. at 652-653; Culhane v. Aurora Loan Servs. of Neb., 708 F.3d 282, 292 (1st Cir.2013) (“In Massachusetts, the note and the mortgage need not be held by the same entity.”).

The Trust, however, holds both the Note and the Mortgage. See Eaton v. Fed. Nat. Mortg. Ass'n, 462 Mass. 569, 589, 969 N.E.2d 1118 (2012). The Note endorsed in blank suffices to establish the Trust’s status as noteholder. See, e.g., LaRace, 99 Mass.App.Ct. at 328-329; Sullivan, 85 Mass.App.Ct. at 210 and n. 16. In addition, the Property records include the recorded Mortgagee’s Affidavit filed in conjunction with the pre-foreclosure Land Court proceeding. SPS certifies that the Trust is currently holding the Note. Fustolo concedes the Affidavit attached to the First Amended Verified Complaint, and this court can take judicial of the Affidavit as an official public record. See Benjamin v. Fremont Inv. & Loan, 2018 WL 4017595, at \*2 (D.Mass. Aug. 22, 2018) (taking judicial notice at the motion to dismiss stage of a recorded Affidavit Regarding Note Secured by Mortgage Being Foreclosed). That Affidavit contradicts the allegations by Fustolo, and “[w]hen [a] document[ ] contradict[s] an allegation in

the complaint, the document trumps the allegation.” Lowenstern v. Residential Credit Sols., 2013 WL 697108, at \*3 (D.Mass. Feb. 25, 2013) (citations omitted).

The circumstances under which the Note ultimately was transferred to the Trust are irrelevant. “There is no case holding that a foreclosing party must demonstrate an unbroken chain of assignments of the mortgage note. Indeed, such a requirement would be inconsistent with the proposition that ‘[w]hen indorsed in blank, [a note] becomes payable to bearer and may be negotiated by transfer of possession alone.’” LaRace, 99 Mass.App.Ct. at 328-329 (citing and quoting G. L. c. 106, § 3-205 (b)). See also O'Brien v. Wilmington Trust National Association as Trustee to CitiBank, N.A., 506 F.Supp.3d 82, 95 (D.Mass. 2020) (“Defendant has no obligation to prove the chain of custody [of the Note].”). Bare conclusions that the Trust did not own either the Mortgage or the Note do not state a claim that the foreclosure is invalid. See Culley v. Bank of America, N.A., 2019 WL 1430124, at \*5-6 (D.Mass. Mar. 29, 2019) (granting motion to dismiss where (1) recorded assignments indicated foreclosing bank was the mortgagee of record, and (2) affidavit executed pursuant to G.L. c. 183, §54B attested that foreclosing bank held the promissory note). Fustolo’s speculation does not make out a plausible claim.

### **3. Fustolo does not state a claim for breach of paragraph 22 of the Mortgage**

The September 17, 2019 notices of default sent to and received by Fustolo strictly comply with the statutory power of sale conditions in paragraph 22 of the Mortgage. The Trust properly provided Fustolo notice of default and right to cure the default before accelerating the mortgage loan debt in advance of commencing foreclosure. Fustolo received the requisite 30 days to cure the default but did not perform. The Trust afforded Fustolo the opportunity to reinstate the mortgage loan after acceleration up to the date of the foreclosure sale. Fustolo makes no allegation that he tendered funds to reinstate, the funds were rejected, and the

foreclosure sale was completed. Accordingly, even though belied by the documents, the claim for breach of the reinstatement right is not ripe.

The required paragraph 22 language that Fustolo alleges the notices of default omit is actually contained in the notices. The notices advise Fustolo of the right to reinstate the accelerated mortgage loan up to the date of the foreclosure sale to avoid a loss of the Property. The notices advise Fustolo of the right to file a legal action to contest the default or acceleration, which right Fustolo exercised. SPS complied with the Mortgage, the statutes, and the Division of Banks regulations. **(Tab F)**. See Thompson v. JPMorgan Chase Bank, N.A., 982 F.3d 809, 812-813 (1st Cir. 2020). There is nothing defective, deceptive, or fundamentally unfair about the September 17, 2019 notices.

C. The RESPA Claim in Count III Fails

RESPA “imposes certain communication requirements on ‘servicers’ of federally-related mortgage loans and grants consumers a private right of action to remedy violations.” Coulsey v. Option One Mortg. Corp., 2018 WL 6344195, at \*6 (D.Mass. Aug. 27, 2018) (quoting 12 U.S.C. § 2605). The Bureau of Consumer Financial Protection promulgated Regulation X to implement RESPA. 12 C.F.R. § 1024.1. Together, “RESPA and its implementing regulations ‘describe the duties owed by mortgage loan servicers to ‘borrowers.’” Spaulding v. Citifinancial Servicing, LLC, 2018 WL 1698263, at \*3 (D. Mass. Apr. 6, 2018) (quoting Sharp v. Deutsche Bank National Trust. Co., 2015 WL 4771291, at \*4 (D.N.H. Aug. 11, 2015)). Specifically, RESPA and Regulation X outline the duty to respond to notices of “covered errors” submitted by borrowers. 12 U.S.C. § 2605(e); 12 C.F.R. §§ 1024.35-36. To state a claim under RESPA, a plaintiff must show “(1) that the servicer failed to comply with the statute's [ ] rules; and (2) that

the plaintiff incurred ‘actual damages’ as a consequence of the servicer's failure.” O'Connor v. Nantucket Bank, 992 F. Supp. 2d 24, 35 (D.Mass. 2014) (citation omitted).

Fustolo does not specify in Count III which provision of RESPA or Regulation X applies to trigger a claimed violation by SPS. However, Fustolo’s notice of error relates to the substance of the review by SPS of Fustolo’s mortgage assistance application. Fustolo contends that SPS violated RESPA by using the wrong value of the Property when evaluating and denying a modification of Fustolo’s defaulted mortgage loan. (FAVC, ¶¶ 32-38).

The use by SPS of the alleged incorrect Property value to assess Fustolo’s loss mitigation application is not a “covered error” under 12 C.F.R. § 1024.35. Accordingly, Fustolo does not plead a RESPA violation. As this Court ruled in rejecting a virtually identical RESPA claim:

Section 1024.35 only requires a servicer to respond to qualified written requests related to certain types of covered errors, and disputes related to the substance of a servicer's review of a loss mitigation application do not fall under the umbrella of covered errors.

Canty v. Wells Fargo Bank, N.A., 463 F.Supp.3d 57, 64 (D. Mass. 2020).

Applying Canty, this court in Chau v. Select Portfolio Servicing, Inc., 2020 WL 5810439, at \* 2-3 (D.Mass. Sept. 30, 2020) concluded that the borrower’s notice of error contending that the servicer used an incorrect monthly gross income figure when evaluating and denying a loan modification application did not give rise to a RESPA claim.

Here, instead of a disputed monthly gross income figure, Fustolo contends that SPS utilized an erroneous valuation of the Property to review and decide the loan modification application. Fustolo’s dispute it is not a covered error. Therefore, SPS did not violate RESPA.

Nonetheless, SPS responded to Fustolo’s notice of error. (FAVC, ¶ 35; Exhibit 15 to FAVC). Fustolo simply refused to accept the response by SPS concerning its loss mitigation determination. Of note, SPS in its April 1, 2021 letter did not expressly confirm that the

Property valuation drove the loss mitigation denial. Fustolo's allegations contradict the substance of the letter by SPS attached to the First Amended Verified Complaint. (Compare FAVC, ¶ 37 and Exhibit 13 to FAVC). Notwithstanding this inconsistency, SPS met its duties even if RESPA applied.

D. The Defamation Claim in Count IV Fails

To state a claim for defamation, a plaintiff must allege (1) that “[t]he defendant made a statement, concerning the plaintiff, to a third party”; (2) that the statement was defamatory such that it “could damage the plaintiff's reputation in the community”; (3) that “[t]he defendant was at fault in making the statement”; and (4) that “[t]he statement either caused the plaintiff economic loss ... or is actionable without proof of economic loss.” Shay v. Walters, 702 F.3d 76, 81 (1st Cir. 2012) (quoting Ravnikar v. Bogojavlensky, 438 Mass. 627, 629-630, 782 N.E.2d 508 (2003)). In order to establish negligence for a defamation action, a plaintiff must show that the defendant failed “to act reasonably in checking on the truth or falsity of the [challenged] communication before publishing it[,]” keeping in mind “[c]ustoms and practices within the [defendant's] profession[.]” Appleby v. Daily Hampshire Gazette, 395 Mass. 32, 37, 478 N.E.2d 721 (1985).

Fustolo does not establish actionable false and defamatory statements by SPS and the Trust. The Trust's assertion of payment rights under the Note and rights to enforce the Mortgage against the Property are not false. Fustolo admittedly owed payments under the Note. The Trustee is entitled to receive payments as owner of the Note. Fustolo's allegations that SPS and the Trust falsely claimed Fustolo's default on the Note and Mortgage do not state a plausible defamation claim. Fustolo admitted in the bankruptcy action that he could not afford the payments, compelled the Chapter 7 Trustee to abandon the Property, and surrendered the



Property. Fustolo has not alleged making any payments on the mortgage loan after the default was noticed. Neither the Trust nor SPS acted unreasonably.

E. The Slander of Title Claim in Count V Fails

To sustain a claim for slander of title, a plaintiff must show that “(1) the defendant made a false statement, (2) which was published with malice, and (3) caused injury to the plaintiff.” Rice v. Santander Bank, N.A., 196 F. Supp. 3d 146, 156 (D.Mass. 2016) (quoting George v. Teare, 2000 WL 1512376, at \*3 (Mass.Super. Sept. 5, 2000)). The tort “is ‘essentially a claim of defamation where the false statement focuses on the plaintiffs’ rights in property,’ such as a ‘defamatory recording.’” RFF Family Partnership, LP v. Ross, 814 F.3d 520, 531 (1st Cir. 2016).

The First Amended Verified Complaint is devoid of these essential elements. Other than the flawed legal conclusion that the Trust does not hold the Mortgage, Fustolo fails to identify any false statement by the Trust or SPS impacting title to the Property. Likewise, Fustolo does not allege facts to infer malice on the part of the Trust or SPS. CMI Assocs., LLC v. Regional Fin. Co., LLC, 775 F. Supp. 2d 281, 289 (D.Mass. 2011).

Fustolo’s allegations are similar to those in Johnson v. Wilmington Trust, N.A., 2016 WL 5109510 (D.Mass. Sept. 20, 2016), where the court dismissed a slander of title claim, holding:

Plaintiff argues that Wilmington's recording that it has current legal ownership of Plaintiff's residence is a false statement. Here, however, Wilmington made no false statement because the mortgage assignments were valid. A conclusion that the assignments of the mortgage were valid “means that the statements about which Plaintiff complains were true. Neither the recording of the valid assignment nor the publication of a notice of foreclosure sale accurately identifying Wilmington as the holder of the mortgage at that time could constitute slander.”

Johnson, 2016 WL 5109510, at \*5 (quoting Jepson v. HSBC Bank USA National Association, 2013 WL 639184, at \*6 (D.Mass. Feb. 20, 2013)) (internal brackets omitted).

Affidavits and assignments executed in compliance with G.L. c. 183, § 54B are “presumptively valid.” Bank of N.Y. Mellon Corp. v. Wain, 85 Mass. App. Ct. 498, 502-504, 11 N.E.3d 633 (2014). The August 12, 2021 assignment of the Mortgage to the Trust complied with Massachusetts law. MERS retained the right to assign the mortgage after Union Capital no longer existed as an entity. See Shea v. Federal National Mortgage Association, 87 Mass.App.Ct. 901, 903, 31 N.E.3d 1122 (2015); see also Culhane, 708 F.3d at 292. The recorded documents are not actionable.

F. The c. 93A Claim in Count VI Fails

The First Amended Verified Complaint does not specify alleged conduct by the Trust or SPS that constitutes “unfair or deceptive acts or practices” required to trigger a violation of G.L. c. 93A, § 2. See Juarez v. Select Portfolio Servicing, Inc., 708 F.3d 269, 281 (1st Cir. 2013) (complaint alleging violation of c. 93A in mortgage foreclosure context must “give notice to defendants regarding the discrete acts [plaintiff] alleges were unfair or deceptive”) (citations and interior quotations omitted). A practice is deceptive if it could reasonably be found to have caused a person to act differently from the way they otherwise would have acted. Aspinall v. Philip Morris Companies, Inc., 442 Mass. 381, 394, 813 N.E.2d 476 (2004). A practice is unfair if “it is within the penumbra of some common-law, statutory, or other established concept of unfairness; is immoral, unethical, oppressive, or unscrupulous; and causes substantial injury to other businessmen.” Juarez, 708 F.3d at 280 (quoting Kenda Corp. v. Pot O'Gold Money Leagues, 329 F.3d 216, 234 (1st Cir. 2003)). A causal connection between allegedly unfair or deceptive conduct and a claimant’s loss is also an essential element of recovery. See Hershenow v. Enterprise Rent-A-Car Co. of Boston, Inc., 445 Mass. 790, 791, 840 N.E.2d 526 (2006); Tyler v. Michaels Stores, Inc., 464 Mass. 492, 503, 984 N.E.2d 737 (2013) (“[T]he violation of the legal

right that has created the unfair or deceptive act or practice must cause the consumer some kind of separate, identifiable harm arising from the violation itself.”).

Fustolo does not state a c. 93A claim against the Trust or SPS predicated on either the foreclosure activity or debt collection practices. As set forth above, the mortgage foreclosure/wrongful foreclosure claims fail as a matter of law. Accordingly, any claimed violation of c. 93A grounded in these defective claims likewise fails. See Murphy v. National Grange Mut. Ins. Co., 2014 WL 5307671, at \*6 (D.Mass. Oct. 16, 2014) (where a c. 93A claim is based solely on an underlying claim, summary judgment on the underlying claim is fatal to the c. 93A claim).

Also, Fustolo does not plead that he failed to comply with his legal obligations as a result of any misleading conduct by either SPS or the Trust. The bare allegation that the Trust improperly commenced foreclosure of the Mortgage fails to state a c. 93A claim. Juarez, 708 F.3d at 281 (“It is not enough in the context of Chapter 93A for [Plaintiff] to allege that defendants foreclosed on her property in violation of Massachusetts foreclosure law. Something more is required for [Plaintiff] to establish that the violation ‘has an extortionate quality that gives it the rancid flavor[s] of unfairness [and deceptiveness].’”) (citations and internal quotations omitted). For the reasons addressed below with respect to Count VII, Fustolo fails to state a claim for unfair debt collection activity under G.L. c. 93, § 49 to sustain a derivative c. 93A claim. See Thout v. Deutsche Bank National Trust Company Trustee of Residential Securitization Trust 2006-G Under Pooling and Servicing Agreement Dated May 1, 2006, 369 F.Supp.3d 318, 324 (D. Mass. 2019); see also Fernandes v. Rodrigue, 38 Mass. App. Ct. 926, 928, 646 N.E.2d 414 (1995) (a wholly derivative c. 93A claim “is absorbed in and vanishes with” meritless misrepresentation claim).

G. The Unfair Debt Collection Practices Claim in Count VII Fails

The claimed violation of G.L. c. 93, § 49 fails as a matter of law for a number of reasons. First, G.L. c. 93, § 49 does not provide a separate private right of action. DeCotis v. Specialized Loan Servicing LLC, --- F.Supp.3d ----, 2022 WL 17156022, at \* 5 (D.Mass. Nov. 22, 2022) (citing O'Connor v. Nantucket Bank, 992 F. Supp. 2d 24, 33 (D.Mass. 2014)).

Second, the statute applies only to consumer debts defined as “a debt primarily for personal, family or household purposes,” and prohibits “collect[ing] or attempt[ing] to collect such a debt in an unfair, deceptive or unreasonable manner.” G.L. c. 93, § 49. Here, Fustolo obtained the mortgage loan to acquire the Property for investment rental purposes in conjunction with his expansive commercial real estate portfolio.

Further, Fustolo does not plead facts to support unfair debt collection activity. For the reasons addressed above, Fustolo waived rights to contest title to the Property. Nonetheless, the Trust did not unfairly pursue foreclosure upon Fustolo’s default. Similarly, Fustolo does not allege that SPS acted unfairly with respect to enforcing the mortgage loan on behalf of the Trust or undertaking the required steps to commence foreclosure on behalf of the Trust. The sending of monthly mortgage statements is not unfair or deceptive. Likewise, correctly reporting on Fustolo’s defaulted account to credit agencies is not unfair or deceptive. Commencing the Servicemembers Civil Relief Act complaint to determine military status is not an unfair debt collection practice. See Saade v. Wilmington Savings Fund Society, 2017 WL 4278395, at \* 6 (D.Mass. Sept. 26, 2017) (citing See HSBC Bank USA, N.A. v. Matt, 464 Mass. 193, 196-197, 981 N.E.2d 710 (2013)) (filing a servicemember complaint did not give rise to a claim under the federal Fair Debt Collection Practices Act or c. 93A because a servicemember action is not part of the debt collection process and was not unfair or unethical).

#### IV. CONCLUSION

For the foregoing reasons, Defendants request this Court to dismiss Plaintiff's Amended Verified Complaint in its entirety with prejudice.

Respectfully submitted,

**SELECT PORTFOLIO SERVICING, INC. and  
FEDERAL HOME LOAN MORTGAGE  
CORPORATION, AS TRUSTEE FOR THE  
BENEFIT OF THE FREDDIE MAC  
SEASONED CREDIT RISK TRANSFER  
TRUST, SERIES 2019-2,**  
By their attorneys,

/s/ Peter F. Carr, II  
Peter F. Carr, II (BBO #600069)  
**ECKERT SEAMANS CHERIN & MELLOTT, LLC**  
Two International Place, 16<sup>th</sup> Floor  
Boston, MA 02110  
Telephone: (617) 342-6800  
Facsimile: (617) 342-6899  
[pcarr@eckertseamans.com](mailto:pcarr@eckertseamans.com)

Dated: February 21, 2023

#### CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system on this day will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those parties which are non-registered participants.

Dated: February 21, 2023

/s/ Peter F. Carr, II  
Peter F. Carr, II

# TAB A

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NTCAPR, AddChg, CredAdd, ASSET, 727OBJ, ADVPEND, DISCDENY, JNF

**United States Bankruptcy Court  
District of Massachusetts (Boston)  
Bankruptcy Petition #: 13-12692**

*Assigned to:* Janet E. Bostwick  
Chapter 7  
Involuntary  
Asset

*Date filed:* 05/06/2013  
*341 meeting:* 01/21/2014  
*Deadline for objecting to discharge:* 03/24/2014

***Debtor***

**Steven C. Fustolo**  
100 Church Street  
Winchester, MA 01890  
SSN / ITIN: xxx-xx-4889

represented by **Lane N. Goldberg**

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***Assistant U.S. Trustee***

**John Fitzgerald**  
Office of the US Trustee  
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5 Post Office Sq., 10th Fl, Suite 1000  
Boston, MA 02109

***Trustee***

**Harold B. Murphy**  
Murphy & King, P.C.  
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represented by **Kathleen R. Cruickshank**

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Filing Date	#	Docket Text
05/06/2013	<u>1</u> (14 pgs)	Chapter 7 Involuntary Petition with Exhibits A, B, C, and original Signature Pages 2. Fee Amount \$306 Re: Steven C. Fustolo filed by 50 Thomas Patton Drive LLC, The Patriot Group, LLC, Richard Mayer (Smith, Bruce) (Entered: 05/06/2013)
05/06/2013		Receipt of filing fee for Involuntary Petition (Chapter 7)(13-12692) [misc,invol7] ( 306.00). Receipt Number 12697668, amount \$ 306.00 (re: Doc# <u>1</u> ) (U.S. Treasury) (Entered: 05/06/2013)
05/06/2013	<u>2</u> (2 pgs)	DISREGARD: Declaration Re: Electronic Filing (Re: <u>1</u> Involuntary Petition (Chapter 7)) filed by Petitioning Creditor 50 Thomas Patton Drive LLC (Smith, Bruce) Corrective Entry: Incorrect PDF. (Entered: 05/06/2013)
05/06/2013	<u>3</u> (2 pgs)	Declaration Re: Electronic Filing (Re: <u>1</u> Involuntary Petition (Chapter 7)) filed by Petitioning Creditor The Patriot Group, LLC (Smith, Bruce) (Entered: 05/06/2013)
05/06/2013	<u>4</u> (2 pgs)	Declaration Re: Electronic Filing (Re: <u>1</u> Involuntary Petition (Chapter 7)) filed by Petitioning Creditor Richard Mayer (Smith, Bruce) (Entered: 05/06/2013)
05/06/2013	<u>5</u> (2 pgs)	Declaration Re: Electronic Filing (Re: <u>1</u> Involuntary Petition (Chapter 7), <u>2</u> Declaration Re: Electronic Filing) filed by Petitioning Creditor 50 Thomas Patton Drive LLC (Smith, Bruce) (Entered: 05/06/2013)



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05/07/2013	<u>6</u> (2 pgs)	Involuntary Summons Issued on Steven C. Fustolo (jb) (Entered: 05/07/2013)
05/07/2013	<u>7</u> (1 pg)	Court's Certificate of Mailing Re: <u>6</u> Involuntary Summons Issued (jb) (Entered: 05/07/2013)
05/07/2013	<u>8</u> (2 pgs)	Summons Service Executed in an Involuntary Case on Steven C. Fustolo 5/7/2013, Answer Due 5/28/2013 filed by Petitioning Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC, Debtor Steven C. Fustolo (Horne, Jonathan) (Entered: 05/07/2013)
05/09/2013	<u>9</u> (4 pgs)	BNC Certificate of Mailing. RE: <u>6</u> Involuntary Summons Issued Notice Date 05/09/2013. (Admin.) (Entered: 05/10/2013)
05/24/2013	<u>10</u> (3 pgs)	Assented to Motion filed by Debtor Steven C. Fustolo to Extend Time Until June 28, 2013 to Respond to Involuntary Petition with Certificate of Service (Re: <u>6</u> Involuntary Summons Issued on Steven C. Fustolo). (Nickless, David) (Entered: 05/24/2013)
06/04/2013	<u>11</u> (1 pg)	Endorsed Order dated 6/4/2013 Re: <u>10</u> Assented to Motion filed by Debtor Steven C. Fustolo to Extend Time Until June 28, 2013 to Respond to Involuntary Petition Re: <u>6</u> Involuntary Summons Issued on Steven C. Fustolo . MOTION ALLOWED. (jb) (Entered: 06/04/2013)
06/06/2013	<u>12</u> (3 pgs)	BNC Certificate of Mailing - PDF Document. RE: <u>11</u> Order on Motion to Extend Notice Date 06/06/2013. (Admin.) (Entered: 06/07/2013)
06/28/2013	<u>13</u> (2 pgs)	Answer filed by Debtor Steven C. Fustolo Re: <u>1</u> Chapter 7 Involuntary Petition with certificate of service (Nickless, David) (Entered: 06/28/2013)
06/28/2013	<u>14</u> (1 pg)	Hearing Scheduled for 7/10/2013 at 10:45 AM at Boston Courtroom 1, 12th Floor, 5 Post Office Square, Boston, MA 02109 RE: <u>1</u> Chapter 7 Involuntary Petition Re: Steven C. Fustolo filed by 50 Thomas Patton Drive LLC, The Patriot Group, LLC, Richard Mayer. (pd) (Entered: 06/28/2013)
06/30/2013	<u>15</u> (3 pgs)	BNC Certificate of Mailing - Hearing. RE: <u>14</u> Hearing Scheduled Notice Date 06/30/2013. (Admin.) (Entered: 07/01/2013)
07/01/2013	<u>16</u> (3 pgs; 2 docs)	Motion filed by Debtor Steven C. Fustolo to Reschedule Hearing Set for July 10, 2013 Re: <u>1</u> Involuntary Petition with Exhibit and certificate of service (Attachments: # <u>1</u> Exhibit Trial Notice) (Nickless, David) (Entered: 07/01/2013)
07/02/2013	<u>17</u> (1 pg)	Endorsed Order dated 7/2/2013 Re: <u>16</u> Motion filed by Debtor Steven C. Fustolo to Reschedule Hearing Set for July 10, 2013 Re: <u>1</u> Involuntary Petition . MOTION ALLOWED. (jb) (Entered: 07/02/2013)
07/02/2013	<u>18</u> (1 pg)	Hearing Rescheduled for 7/23/2013 at 10:00 AM at Boston Courtroom 1, 12th Floor, 5 Post Office Square, Boston, MA 02109 RE: <u>1</u> Chapter 7 Involuntary Petition Re: Steven C. Fustolo filed by 50 Thomas Patton Drive LLC, The Patriot Group, LLC, Richard Mayer. (pd) (Entered: 07/02/2013)

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07/02/2013	<u>19</u> (2 pgs; 2 docs)	Notice of Appearance and Request for Notice by Laura D. Sannicandro with certificate of service filed by Creditor HSBC Bank USA N.A (Attachments: # <u>1</u> Certificate of Service) (Sannicandro, Laura) (Entered: 07/02/2013)
07/04/2013	<u>20</u> (3 pgs)	BNC Certificate of Mailing - PDF Document. Re: <u>17</u> Order on Motion to Continue/Cancel Hearing Notice Date 07/04/2013. (Admin.) (Entered: 07/05/2013)
07/19/2013	<u>21</u> (43 pgs; 2 docs)	Request for Judicial Notice filed by Petitioning Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC with Exhibits and certificate of service (Attachments: # <u>1</u> Affidavit) (Horne, Jonathan) (Entered: 07/19/2013)
07/22/2013	<u>22</u> (9 pgs)	Schedule D, Schedule F, Summary of Schedules filed by Debtor Steven C. Fustolo Re: <u>1</u> Involuntary Petition (Nickless, David) (Entered: 07/22/2013)
07/22/2013	<u>23</u> (2 pgs)	Motion filed by Debtor Steven C. Fustolo Supplement Answer to Involuntary Petition with certificate of service (Nickless, David) (Entered: 07/22/2013)
07/22/2013	<u>24</u> (10 pgs; 4 docs)	Affidavit of Steven C. Fustolo (Re: <u>13</u> Involuntary Answer) filed by Debtor Steven C. Fustolo (Attachments: # <u>1</u> Exhibit Mortgage # <u>2</u> Exhibit Mayer Execution # <u>3</u> Exhibit Tax Card-Church Street, Winchester) (Nickless, David) (Entered: 07/22/2013)
07/22/2013	<u>25</u> (1 pg)	Endorsed Order dated 7/22/2013 <u>23</u> Motion filed by Debtor Steven C. Fustolo Supplement Answer to Involuntary Petition . MOTION ALLOWED. (jb) (Entered: 07/22/2013)
07/23/2013	<u>26</u> (1 pg)	Notice of Appearance and Request for Notice by Jordan L. Shapiro filed by Creditor Winchester Savings Bank (Shapiro, Jordan) (Entered: 07/23/2013)
07/23/2013	<u>27</u> (1 pg)	Order dated 7/23/2013 Re: <u>1</u> Involuntary Petition (Chapter 7) filed by Petitioning Creditor 50 Thomas Patton Drive LLC, Petitioning Creditor The Patriot Group, LLC, Petitioning Creditor Richard Mayer. HEARING HELD. FOR THE REASONS STATED ON THE RECORD, THE INVOLUNTARY PETITIONERS SHALL FILE A MOTION FOR SUMMARY JUDGMENT BY AUGUST 16, 2013. THE ALLEGED DEBTOR STEVEN FUSTOLO SHALL FILE HIS OPPOSITION PAPERS BY AUGUST 30, 2013 AT 4:30 P.M. THEREAFTER, THE COURT WILL SCHEDULE A FURTHER HEARING. (jb) (Entered: 07/23/2013)
07/23/2013	<u>28</u> (13 pgs)	An official transcript (RE: <u>1</u> Involuntary Petition Re: Steven Fustolo Filed by 50 Thomas Patton Drive, LLC, the Patriot Group, LLC, Richard Mayer; <u>6</u> Involuntary Summons Issued on Steven Fustolo; <u>13</u> Answer of Steven Fustolo; <u>23</u> Motion filed by Debtor Steven C. Fustolo Supplement Answer to Involuntary Petition) heard on 07/23/2013 has been filed. Pursuant to Judicial Conference Policy, electronic access to transcripts is restricted for 90 days from the date of filing. The transcript is available for inspection at the Clerk's Office or a copy may be purchased from the transcriber. Contact the ECR Operator for transcriber information. Parties have until 08/13/2013 to file a Request for Redaction with the Court. If



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		no request is filed, the transcript may be made available electronically on 10/22/2013. (Cascade Hills Transcription, Inc.) (Entered: 07/23/2013)
07/24/2013	<u>29</u> (1 pg)	Notice of Filing of Official Transcript. Notice is hereby given that an official transcript has been filed. Pursuant to the Judicial Conference policy governing public access to transcripts of federal court proceedings, transcripts are not electronically available(online) until 90 days after filing but may be inspected by clerk's office or purchased from the court transcriber during the 90-day period. (ADI) (Entered: 07/24/2013)
07/24/2013	<u>30</u> (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>25</u> Order on Generic Motion) Notice Date 07/24/2013. (Admin.) (Entered: 07/25/2013)
07/25/2013	<u>31</u> (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>27</u> Order) Notice Date 07/25/2013. (Admin.) (Entered: 07/26/2013)
07/26/2013	<u>32</u> (3 pgs)	BNC Certificate of Mailing. (Re: <u>29</u> Notice of Filing of Official Transcript) Notice Date 07/26/2013. (Admin.) (Entered: 07/27/2013)
08/15/2013	<u>33</u> (15 pgs; 3 docs)	Motion filed by Debtor Steven C. Fustolo to Amend Schedule(s) D and F (Re: <u>22</u> Schedules A-J) with certificate of service (Attachments: # <u>1</u> Amended Schedules D and F and Efile Declaration # <u>2</u> Supplemental Matrix) (Nickless, David) (Entered: 08/15/2013)
08/15/2013	<u>34</u> (1 pg)	Clerk's Notice of Fees Due. Fee due by 8/29/2013 Re: <u>33</u> Motion filed by Debtor Steven C. Fustolo to Amend Schedule(s) D and F (jb) (Entered: 08/15/2013)
08/15/2013	<u>35</u> (6 pgs)	Motion filed by Petitioning Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC For Summary Judgment Re: <u>27</u> Order dated 7/23/2013 Re: <u>1</u> Involuntary Petition with certificate of service (Fencer, Michael) (Entered: 08/15/2013)
08/15/2013	<u>36</u> (23 pgs)	Memorandum of Law and Statement of Undisputed Facts In Support Re: <u>35</u> Motion for Summary Judgment filed by Petitioning Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC with certificate of service (Fencer, Michael) (Entered: 08/15/2013)
08/15/2013	<u>37</u> (5 pgs)	Affidavit of Richard Mayer in Support Re: <u>35</u> Motion for Summary Judgment filed by Petitioning Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC (Fencer, Michael) (Entered: 08/15/2013)
08/15/2013	<u>38</u> (5 pgs)	Affidavit of John C. Howe In Support Re: <u>35</u> Motion for Summary Judgment filed by Petitioning Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC with Exhibit(Fencer, Michael) (Entered: 08/15/2013)
08/15/2013	<u>39</u> (47 pgs)	Affidavit of Cliff Schoer in Support Re: <u>35</u> Motion for Summary Judgment filed by Petitioning Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC with Exhibits(Fencer, Michael) (Entered: 08/15/2013)
08/15/2013	<u>40</u> (32 pgs)	Affidavit of Jonathan M. Horne, Esq. in Support Re: <u>35</u> Motion for Summary Judgment filed by Petitioning Creditors 50 Thomas Patton

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		Drive LLC, Richard Mayer, The Patriot Group, LLC with Exhibits (Fencer, Michael) (Entered: 08/15/2013)
08/20/2013		Receipt of Amendment Filing Fee - \$30.00 by DC. Receipt Number 538796. (adi) (Entered: 08/21/2013)
08/21/2013	<u>41</u> (1 pg)	Endorsed Order dated 8/21/2013 Re: <u>33</u> Motion filed by Debtor Steven C. Fustolo to Amend Schedule(s) D and F Re: <u>22</u> Schedules A-J. MOTION ALLOWED. (jb) (Entered: 08/21/2013)
08/30/2013	<u>42</u> (14 pgs)	Opposition and Cross-Motion with certificate of service filed by Debtor Steven C. Fustolo Re: <u>35</u> Motion filed by Petitioning Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC For Summary Judgment on Order for Relief with certificate of service (Nickless, David) (Entered: 08/30/2013)
08/30/2013	<u>43</u> (18 pgs)	Response filed by Debtor Steven C. Fustolo Re: <u>36</u> Memorandum of Law and Statement of Undisputed Facts In Support Re: <u>35</u> Motion filed by Petitioning Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC For Summary Judgment on Order for Relief with certificate of service (Nickless, David) (Entered: 08/30/2013)
08/30/2013	<u>44</u> (9 pgs; 2 docs)	Affidavit of David M. Nickless (Re: <u>42</u> Opposition Re: <u>35</u> Motion For Summary Judgment ) filed by Debtor Steven C. Fustolo (Attachments: # <u>1</u> Declaration of Electronic Filing) (Nickless, David) (Entered: 08/30/2013)
08/30/2013	<u>45</u> (61 pgs; 4 docs)	Affidavit of Bruce W. Edmands (Re: <u>42</u> Opposition Re: <u>35</u> Motion For Summary Judgment ) filed by Debtor Steven C. Fustolo (Attachments: # <u>1</u> Declaration of Electronic Filing # <u>2</u> Exhibit # <u>3</u> Exhibit) (Nickless, David) (Entered: 08/30/2013)
08/30/2013	<u>46</u> (112 pgs; 5 docs)	Affidavit of Steven C. Fustolo (Re: <u>42</u> Opposition Re: <u>35</u> Motion For Summary Judgment ) filed by Debtor Steven C. Fustolo (Attachments: # <u>1</u> Declaration of Electronic Filing # <u>2</u> Exhibit # <u>3</u> Exhibit # <u>4</u> Exhibit) (Nickless, David) (Entered: 08/30/2013)
09/03/2013	<u>47</u> (1 pg)	Hearing Scheduled for 10/23/2013 at 11:00 AM at Boston Courtroom 1, 12th Floor, 5 Post Office Square, Boston, MA 02109 Re: <u>35</u> Motion filed by Petitioning Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC For Summary Judgment Re: <u>27</u> Order dated 7/23/2013 Re: <u>1</u> Involuntary Petition. Objections due by 10/2/2013 at 04:30 PM. (pd) (Entered: 09/03/2013)
09/10/2013	<u>48</u> (2 pgs)	Certificate of Service of Notice of Hearing (Re: <u>47</u> Hearing Scheduled) filed by Petitioning Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC (Horne, Jonathan) (Entered: 09/10/2013)
09/27/2013	<u>49</u> (5 pgs)	Response and Objections to Alleged Debtor's Statement of Additional Material Undisputed Facts filed by Petitioning Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC Re: <u>43</u> Response filed by Debtor Steven C. Fustolo (Re: <u>36</u> Memorandum of Law and Statement of Undisputed Facts In Support Re: <u>35</u> Motion filed by Petitioning Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC For Summary Judgment on Order for Relief) with certificate of service (Fencer, Michael) (Entered: 09/27/2013)



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09/30/2013	<u>50</u> (8 pgs)	Reply and Opposition to Cross Motion with certificate of service filed by Petitioning Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC Re: <u>42</u> Opposition and Cross-Motion with certificate of service filed by Debtor Steven C. Fustolo Re: <u>35</u> Motion filed by Petitioning Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC For Summary Judgment on Order for Relief with certificate of service (Fencer, Michael) (Entered: 09/30/2013)
10/23/2013	<u>51</u> (1 pg)	Order dated 10/23/2013 Re: <u>35</u> Motion filed by Petitioning Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC For Summary Judgment Re: <u>27</u> Order dated 7/23/2013 Re: <u>1</u> Involuntary Petition . HEARING HELD. #35, TAKEN UNDER ADVISEMENT. (jb) (Entered: 10/23/2013)
10/24/2013	<u>52</u>	An official transcript (RE: <u>35</u> Motion filed by Petitioning Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC, for Summary Judgment on Order for Relief re: <u>27</u> Order dated 7/23/2013 re: <u>1</u> Involuntary Petition) heard on 10/23/2013 has been filed. Pursuant to Judicial Conference Policy, electronic access to transcripts is restricted for 90 days from the date of filing. The transcript is available for inspection at the Clerk's Office or a copy may be purchased from the transcriber. Contact the ECR Operator for transcriber information. Parties have until 11/14/2013 to file a Request for Redaction with the Court. If no request is filed, the transcript may be made available electronically on 01/23/2014. (Cascade Hills Transcription, Inc.) (Entered: 10/24/2013)
10/25/2013	<u>53</u> (1 pg)	Notice of Filing of Official Transcript. Notice is hereby given that an official transcript has been filed. Pursuant to the Judicial Conference policy governing public access to transcripts of federal court proceedings, transcripts are not electronically available(online) until 90 days after filing but may be inspected by clerk's office or purchased from the court transcriber during the 90-day period. (ADI) (Entered: 10/25/2013)
10/25/2013	<u>54</u> (2 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>51</u> Order on Motion For Summary Judgment) Notice Date 10/25/2013. (Admin.) (Entered: 10/26/2013)
10/27/2013	<u>55</u> (2 pgs)	BNC Certificate of Mailing. (Re: <u>53</u> Notice of Filing of Official Transcript) Notice Date 10/27/2013. (Admin.) (Entered: 10/28/2013)
11/27/2013	<u>56</u> (2 pgs)	Motion filed by Debtor Steven C. Fustolo For Status Conference Regarding Pending Cross-Motions for Summary Judgment (on an expedited basis) (Re: <u>35</u> Motion filed by Petitioning Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC For Summary Judgment, Re: <u>42</u> Opposition and Cross-Motion filed by Debtor Steven C. Fustolo Re: <u>35</u> Motion For Summary Judgment with certificate of service (Nickless, David) (Entered: 11/27/2013)
12/02/2013	<u>57</u> (2 pgs)	Objection with certificate of service filed by Petitioning Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC Re: <u>56</u> Motion filed by Debtor Steven C. Fustolo Status Conference with certificate of service (Fencer, Michael) (Entered: 12/02/2013)
12/16/2013	<u>58</u> (1 pg)	Endorsed Order dated 12/16/2013 Re: <u>56</u> Motion filed by Debtor Steven C. Fustolo For Status Conference Regarding Pending Cross-Motions for Summary Judgment (on an expedited basis) Re: <u>35</u> Motion filed by Petitioning Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The

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		Patriot Group, LLC For Summary Judgment, Re: <u>42</u> Opposition and Cross-Motion filed by Debtor Steven C. Fustolo Re: <u>35</u> Motion For Summary Judgment . UPON CONSIDERATION OF THE OPPOSITION, THE MOTION FOR STATUS CONFERENCE IS DENIED. (jb) (Entered: 12/16/2013)
12/16/2013	<u>59</u> (32 pgs)	Memorandum Dated 12/16/2013 Re: <u>35</u> Motion filed by Petitioning Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC For Summary Judgment AND <u>42</u> Opposition and Cross-Motion filed by Debtor Steven C. Fustolo Re: <u>35</u> Motion filed by Petitioning Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC For Summary Judgment . THE COURT SHALL ENTER THE ORDER FOR RELIEF. SEE MEMORANDUM FOR FULL TEXT. (jb) (Entered: 12/16/2013)
12/16/2013	<u>60</u> (1 pg)	Order Dated 12/16/2013 Re: <u>35</u> Motion filed by Petitioning Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC For Summary Judgment AND <u>42</u> Opposition and Cross-Motion filed by Debtor Steven C. Fustolo Re: <u>35</u> Motion filed by Petitioning Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC For Summary Judgment . THE COURT GRANTS THE MOTION FOR SUMMARY JUDGMENT FILED BY THE PETITIONING CREDITORS, 50 THOMAS PATTON DRIVE, LLC, THE PATRIOT GROUP, LLC, AND RICHARD MAYER, AND DENIES THE MOTION FOR SUMMARY JUDGMENT FILED BY STEVEN C. FUSTOLO. THE COURT ENTERS AN ORDER FOR RELIEF UNDER CHAPTER 7 OF THE BANKRUPTCY CODE. (jb) (Entered: 12/16/2013)
12/16/2013	<u>75</u> (1 pg)	Order for Relief under Chapter 7. (jc) (Entered: 12/23/2013)
12/17/2013	<u>61</u> (2 pgs)	Motion filed by Debtor Steven C. Fustolo For Stay Pending Appeal (Re: <u>60</u> Order Dated 12/16/2013 Re: <u>35</u> Motion filed by Petitioning Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC For Summary Judgment AND <u>42</u> Opposition and Cross-Motion filed by Debtor Steven C. Fustolo Re: <u>35</u> Motion filed by Petitioning Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC For Summary Judgment ) with certificate of service (Nickless, David) (Entered: 12/17/2013)
12/17/2013	<u>62</u> (9 pgs)	Brief/Memorandum In Support of (Re: <u>61</u> Motion filed by Debtor Steven C. Fustolo For Stay Pending Appeal Re: <u>60</u> Order Dated 12/16/2013 Re: <u>35</u> Motion filed by Petitioning Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC For Summary Judgment AND <u>42</u> Opposition and Cross-Motion filed by Debtor Steven C. Fustolo Re: <u>35</u> Motion filed by Petitioning Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC For Summary Judgment ) filed by Debtor Steven C. Fustolo with certificate of service (Nickless, David) (Entered: 12/17/2013)
12/18/2013	<u>63</u> (7 pgs)	Opposition filed by Petitioning Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC (Re: <u>61</u> Motion filed by Debtor Steven C. Fustolo For Stay Pending Appeal Re: <u>60</u> Order Dated 12/16/2013 Re: <u>35</u> Motion filed by Petitioning Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC For Summary Judgment AND <u>42</u> Opposition and Cross-Motion filed by Debtor Steven C. Fustolo Re: <u>35</u> Motion filed by Petitioning Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC For



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		Summary Judgment ) with certificate of service (Horne, Jonathan) (Entered: 12/18/2013)
12/18/2013	<u>64</u> (4 pgs)	Order dated 12/18/2013 Re: <u>61</u> Motion filed by Debtor Steven C. Fustolo For Stay Pending Appeal Re: <u>60</u> Order Dated 12/16/2013 Re: <u>35</u> Motion filed by Petitioning Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC For Summary Judgment AND <u>42</u> Opposition and Cross-Motion filed by Debtor Steven C. Fustolo Re: <u>35</u> Motion filed by Petitioning Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC For Summary Judgment . THIS COURT CONCLUDES THAT THE DEBTOR HAS FAILED TO SHOW A LIKELIHOOD OF SUCCESS ON THE MERITS OF THE APPEAL. THE COURT FINDS THAT THE BALANCE OF HARMS WEIGHS IN FAVOR OF DENIAL OF THE STAY AS THE DEBTOR HAS FAILED TO ADDRESS THE MAGNITUDE OF HIS DEBTS. TO THE EXTENT THAT THE DEBTOR WISHES TO REORGANIZE AND RETAIN NON-EXEMPT ASSETS, HE MAY MOVE TO CONVERT THIS CHAPTER 7 CASE TO A CASE UNDER CHAPTER 11 AND PROPOSE A PLAN OF REORGANIZATION. IN VIEW OF THE FOREGOING, AS WELL AS FOR THE REASONS STATED BY THE PETITIONING CREDITORS IN THEIR OPPOSITION, THE DEBTOR HAS NOT DEMONSTRATED ENTITLEMENT TO THE EXTRAORDINARY REMEDY OF A STAY PENDING APPEAL. See Order for Full Text. (jb) (Entered: 12/18/2013)
12/18/2013	<u>65</u> (2 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>58</u> Order on Generic Motion) Notice Date 12/18/2013. (Admin.) (Entered: 12/19/2013)
12/18/2013	<u>66</u> (33 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>59</u> Opinion Issued) Notice Date 12/18/2013. (Admin.) (Entered: 12/19/2013)
12/18/2013	<u>67</u> (2 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>60</u> Order) Notice Date 12/18/2013. (Admin.) (Entered: 12/19/2013)
12/18/2013	<u>68</u> (33 pgs)	BNC Certificate of Mailing. (Re: <u>59</u> Opinion Issued) Notice Date 12/18/2013. (Admin.) (Entered: 12/19/2013)
12/19/2013	<u>69</u>	Notice of Appointment of Trustee . Harold B. Murphy added to the case. (efg) (Entered: 12/19/2013)
12/19/2013	<u>70</u> (1 pg)	Certificate of Appointment and Acceptance of Trustee and Fixing of Bond. (sas) (Entered: 12/19/2013)
12/20/2013	<u>71</u> (2 pgs)	Notice of Appeal to District Court filed by Appellant Steven C. Fustolo Re: <u>60</u> Order Dated 12/16/2013 Re: <u>35</u> Motion filed by Petitioning Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC For Summary Judgment AND <u>42</u> Opposition and Cross-Motion filed by Debtor Steven C. Fustolo Re: <u>35</u> Motion filed by Petitioning Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC For Summary Judgment). Fee Amount \$298 Filed by Debtor Steven C. Fustolo . Appellant Designation due by 01/3/2014. Compiled Records Due by 01/17/2014. Transmission of Designation Due by 01/21/2014. (Nickless, David) (Entered: 12/20/2013)
12/20/2013		Receipt of filing fee for Notice of Appeal(13-12692) [appeal,ntcapl] ( 298.00). Receipt Number 13395392, amount \$ 298.00 (re: Doc# <u>71</u> ) (U.S. Treasury) (Entered: 12/20/2013)

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12/20/2013	<u>72</u> (1 pg)	Statement of Election filed by Appellant Steven C. Fustolo Re: <u>71</u> Notice of Appeal to District Court with certificate of service . (Nickless, David) (Entered: 12/20/2013)
12/20/2013	<u>73</u> (5 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>64</u> Order on Motion To Stay Pending Appeal) Notice Date 12/20/2013. (Admin.) (Entered: 12/21/2013)
12/23/2013	<u>74</u> (1 pg)	Notice of Filing of Appeal to District Court (Re: <u>71</u> Notice of Appeal filed by Debtor Steven C. Fustolo) (jb) (Entered: 12/23/2013)
12/23/2013	<u>76</u> (3 pgs; 2 docs)	Order to Update Chapter 7 Voluntary Petition. Matrix PDF Sheet and Matrix Verification Sheet due 12/30/2013. Statement of Intent due 1/22/2014. Declaration Re: Electronic Filing Due 12/30/2013. SSN/Tax ID due 12/26/2013. Certificate of Credit Counseling Due: 1/6/2014. Atty Disclosure Statement due 1/6/2014. Attorney Signature Exhibit B Page 2 due 1/6/2014. Attorney/Debtor Signature Page 3 due 1/6/2014. Schedules A-J with Verified Declaration due 1/6/2014. Statement of Financial Affairs due 1/6/2014. Summary of schedules due 1/6/2014. Statement of Current Monthly Income and Means Test Form 22A Due: 1/6/2014 Statistical Summary of Certain Liabilities due 1/6/2014. Exhibit D due 1/6/2014. (jb) (Entered: 12/23/2013)
12/23/2013		Meeting of Creditors 341(a) meeting to be held on 1/21/2014 at 11:30 AM at Room 325, U.S. Trustee Office, J.W. McCormack Post Office & Court House. Last day to oppose discharge or dischargeability is 3/24/2014. (jmd) (Entered: 12/23/2013)
12/23/2013	<u>77</u> (1 pg)	Court's Certificate of Mailing Re: <u>76</u> Order to Update (jb) (Entered: 12/23/2013)
12/26/2013	<u>78</u>	Statement of Social Security Number(s) filed by Debtor Steven C. Fustolo (Nickless, David) (Entered: 12/26/2013)
12/26/2013	<u>79</u> (4 pgs)	Statement of Issues, <i>and Designation of the Record on Appeal</i> Filed by Debtor Steven C. Fustolo (RE: <u>71</u> Notice of Appeal). (Nickless, David) (Entered: 12/26/2013)
12/30/2013	<u>80</u> (5 pgs)	Matrix and Verification of Creditor Matrix (Re: <u>76</u> Order to Update) filed by Debtor Steven C. Fustolo (Nickless, David) (Entered: 12/30/2013)
12/30/2013	<u>81</u> (1 pg)	Declaration Re: Electronic Filing (Re: <u>76</u> Order to Update) filed by Debtor Steven C. Fustolo (Nickless, David) (Entered: 12/30/2013)
12/30/2013	<u>82</u> (2 pgs)	Court's Notice of 341 sent. (jmd) (Entered: 12/30/2013)
01/01/2014	<u>83</u> (4 pgs)	BNC Certificate of Mailing - Meeting of Creditors. (Re: <u>82</u> Court's Notice of 341 sent Individual No Asset) Notice Date 01/01/2014. (Admin.) (Entered: 01/02/2014)
01/02/2014	<u>84</u> (2 pgs)	Notice of Cross Appeal (Re: <u>71</u> Notice of Appeal) filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC with Certificate of Service. Fee Amount \$298 ). (Horne, Jonathan) (Entered: 01/02/2014)



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01/02/2014		Receipt of filing fee for Cross Appeal(13-12692) [appeal,crssapl] ( 298.00). Receipt Number 13416878, amount \$ 298.00 (re: Doc# <u>84</u> ) (U.S. Treasury) (Entered: 01/02/2014)
01/02/2014	<u>85</u> (4 pgs)	Statement of Issues, <i>and Designation of Additional Record Items on Appeal with Certificate of Service</i> Filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC (RE: <u>84</u> Cross Appeal RE: <u>71</u> Notice of Appeal ). (Horne, Jonathan) (Entered: 01/02/2014)
01/03/2014	<u>86</u> (1 pg)	Signature Page of Attorney/Debtor (Re: <u>1</u> Involuntary Petition (Chapter 7)) filed by Debtor Steven C. Fustolo (Nickless, David) (Entered: 01/03/2014)
01/03/2014	<u>87</u> (1 pg)	Attorney Signature Page Exhibit B filed by Debtor Steven C. Fustolo (Nickless, David) (Entered: 01/03/2014)
01/03/2014	<u>88</u> (9 pgs)	Chapter 7 Statement of Current Monthly Income and Means Test Calculation - Form 22A (Re: <u>76</u> Order to Update) filed by Debtor Steven C. Fustolo (Nickless, David) (Entered: 01/03/2014)
01/03/2014	<u>89</u> (1 pg)	Statistical Summary of Certain Liabilities filed by Debtor Steven C. Fustolo (Nickless, David) (Entered: 01/03/2014)
01/03/2014	<u>90</u> (2 pgs)	Motion filed by Debtor Steven C. Fustolo to Extend To File Schedules A-J, Exhibit D Official Form I, Statement of Financial Affairs, Summary of Schedules, Disclosure of Compensation of Attorney For Debtor and Verified Statement to January 17, 2014 Re: <u>1</u> Chapter 7 Involuntary Petition with certificate of service (Nickless, David) (Entered: 01/03/2014)
01/03/2014	<u>91</u> (1 pg)	Motion filed by Debtor Steven C. Fustolo to Extend Time for Credit Counseling (Nickless, David) (Entered: 01/03/2014)
01/03/2014	<u>92</u> (2 pgs)	Notice of Change of Address <i>for Creditor Citibank</i> filed by Debtor Steven C. Fustolo (Nickless, David) (Entered: 01/03/2014)
01/03/2014	<u>93</u> (1 pg)	Endorsed Order dated 1/3/2014 Re: <u>90</u> Motion filed by Debtor Steven C. Fustolo to Extend To File Schedules A-J, Exhibit D Official Form I, Statement of Financial Affairs, Summary of Schedules, Disclosure of Compensation of Attorney For Debtor and Verified Statement to January 17, 2014 Re: <u>1</u> Chapter 7 Involuntary Petition . MOTION ALLOWED. (jb) (Entered: 01/06/2014)
01/03/2014	<u>94</u> (1 pg)	Endorsed Order dated 1/3/2014 Re: <u>91</u> Motion filed by Debtor Steven C. Fustolo to Extend Time for Credit Counseling . CERTIFIED REQUEST DENIED. "[T]HE CREDIT-COUNSELING REQUIREMENT PERTAINS ONLY TO AN INDIVIDUAL WHO IS THE SUBJECT OF A VOLUNTARY BANKRUPTCY CASE." SEE IN RE ALLEN, 378 B.R. 151, 153 (BANKR. N.D. TEX. 2007). (jb) (Entered: 01/06/2014)
01/08/2014	<u>95</u> (2 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>93</u> Order on Motion to Extend) Notice Date 01/08/2014. (Admin.) (Entered: 01/09/2014)

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01/08/2014	<u>96</u> (2 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>94</u> Order on Motion To Extend Time for Credit Counseling) Notice Date 01/08/2014. (Admin.) (Entered: 01/09/2014)
01/13/2014	<u>97</u> (9 pgs; 4 docs)	Application filed by Trustee Harold B. Murphy to Employ Murphy and King, Professional Corporation as Counsel with Affidavit and with certificate of service. (Attachments: # <u>1</u> Affidavit of Harold B. Murphy in Support of Application to Employ # <u>2</u> Declaration of Electronic Filing # <u>3</u> Certificate of Service) (O'Neil, Michael) (Entered: 01/13/2014)
01/14/2014	<u>98</u> (1 pg)	Endorsed Order dated 1/14/2014 Re: <u>97</u> Application filed by Trustee Harold B. Murphy to Employ Murphy and King, Professional Corporation as Counsel . APPLICATION GRANTED. (jb) (Entered: 01/14/2014)
01/16/2014	<u>99</u> (2 pgs)	Notice of Change of Address <i>for Creditor Verizon</i> filed by Debtor Steven C. Fustolo (Nickless, David) (Entered: 01/16/2014)
01/16/2014	<u>100</u> (2 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>98</u> Order on Application to Employ) Notice Date 01/16/2014. (Admin.) (Entered: 01/17/2014)
01/17/2014	<u>101</u> (59 pgs)	Schedules A,B,C,E,G,H,I,J, Summary of Schedules, Statement of Financial Affairs (Re: <u>76</u> Order to Update), and Amended Schedule D, Amended Schedule F (Re: <u>22</u> Schedule D, Schedule F) Fee Amount \$30 filed by Debtor Steven C. Fustolo (Nickless, David) (Entered: 01/17/2014)
01/17/2014		Receipt of filing fee for Amended Schedules-Creditor Matrix(13-12692) [misc,amdsch] ( 30.00). Receipt Number 13455077, amount \$ 30.00 (re: Doc# <u>101</u> ) (U.S. Treasury) (Entered: 01/17/2014)
01/17/2014	<u>102</u> (2 pgs)	Disclosure of Compensation of Attorney David M. Nickless in the amount of 0.00. Plus 0.00 paid to debtor's counsel for court filing fees filed by Debtor Steven C. Fustolo (Nickless, David) (Entered: 01/17/2014)
01/21/2014	<u>103</u> (2 pgs)	Court's Order of Deficiency for filing: (1) Amended Schedule D, Amended Schedule F, Amended Summary of Schedules (schedules must say "Amended"); (2) Verified Declaration (indicating number of sheets of amended schedules); (3) a Motion to Amend Schedules with certificate of service; (4) an Amended Matrix attachment listing ONLY the names of the new creditors (Re: <u>101</u> Schedules A,B,C,E,G,H,I,J, Summary of Schedules, Statement of Financial Affairs (Re: <u>76</u> Order to Update), and Amended Schedule D, Amended Schedule F (Re: <u>22</u> Schedule D, Schedule F)). Deficiency Due 1/28/2014. (jb) (Entered: 01/21/2014)
01/24/2014	<u>104</u> (1 pg)	Clerk's Certificate of Transmittal of Complete Record on Appeal to District Court (Re: <u>71</u> Notice of Appeal to District Court filed by Appellant Steven C. Fustolo Re: <u>60</u> Order Dated 12/16/2013 Re: <u>35</u> Motion filed by Petitioning Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC For Summary Judgment AND <u>42</u> Opposition and Cross-Motion filed by Debtor Steven C. Fustolo Re: <u>35</u> Motion filed by Petitioning Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC For Summary Judgment) (jb) (Entered: 01/24/2014)
01/24/2014	<u>105</u> (2 pgs)	Initial Transmittal of Record on Appeal to District Court (Re: <u>71</u> Notice of Appeal to District Court filed by Appellant Steven C. Fustolo Re: <u>60</u>



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		Order Dated 12/16/2013 Re: <u>35</u> Motion filed by Petitioning Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC For Summary Judgment AND <u>42</u> Opposition and Cross-Motion filed by Debtor Steven C. Fustolo Re: <u>35</u> Motion filed by Petitioning Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC For Summary Judgment) (jb) (Entered: 01/24/2014)
01/24/2014		Meeting of Creditors Held and Examination of Debtor <i>January 21, 2014</i> . (Murphy, Harold) (Entered: 01/24/2014)
01/24/2014		Continuance of Meeting of Creditors March 5, 2013 at 1:30 p.m. at Murphy & King, P.C.. (Murphy, Harold) (Entered: 01/24/2014)
01/24/2014		Continuance of Meeting of Creditors March 5, 2014 at 1:30 p.m. at Murphy & King, P.C.. (Murphy, Harold) (Entered: 01/24/2014)
01/31/2014	<u>106</u> (11 pgs)	Amended Schedules D and F , Amended Summary of Schedules, Verified Declaration (Re: <u>22</u> Schedules A-J) filed by Debtor Steven C. Fustolo (Nickless, David) (Entered: 01/31/2014)
01/31/2014	<u>107</u> (2 pgs)	Motion filed by Debtor Steven C. Fustolo to Amend Schedule(s) D, F and Matrix (Re: <u>106</u> Amended Schedules-Creditor Matrix, <u>108</u> Amended Matrix) with certificate of service (Nickless, David) (Entered: 01/31/2014)
01/31/2014	<u>108</u> (1 pg)	Supplemental Document: <i>Amended Matrix</i> (Re: <u>107</u> Motion to Amend Schedules) filed by Debtor Steven C. Fustolo (Nickless, David) (Entered: 01/31/2014)
01/31/2014	<u>109</u> (6 pgs)	Statement of Intent filed by Debtor Steven C. Fustolo (Nickless, David) (Entered: 01/31/2014)
01/31/2014	<u>110</u> (2 pgs)	Exhibit D - Individual Debtor's Statement of Compliance with Credit Counseling Requirement filed by Debtor Steven C. Fustolo (Nickless, David) (Entered: 01/31/2014)
01/31/2014	<u>111</u> (1 pg)	Endorsed Order dated 1/31/2014 Re: <u>107</u> Motion filed by Debtor Steven C. Fustolo to Amend Schedule(s) D, F and Matrix Re: <u>106</u> Amended Schedules-Creditor Matrix, <u>108</u> Amended Matrix. MOTION ALLOWED. (jb) (Entered: 01/31/2014)
01/31/2014	<u>112</u> (1 pg)	Notice of Added Creditor by the Court Rr: <u>107</u> Motion filed by Debtor Steven C. Fustolo to Amend Schedule(s) D, F and Matrix . Deadline to Object to Discharge for New Creditor(s)(Only): 4/1/2014. (jb) (Entered: 01/31/2014)
02/02/2014	<u>113</u> (2 pgs)	BNC Certificate of Mailing. (Re: <u>112</u> Notice to Add Creditors filed by Debtor Steven C. Fustolo) Notice Date 02/02/2014. (Admin.) (Entered: 02/03/2014)
02/02/2014	<u>114</u> (2 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>111</u> Order on Motion to Amend Schedule) Notice Date 02/02/2014. (Admin.) (Entered: 02/03/2014)
02/12/2014	<u>115</u> (1 pg)	Trustee's Request for Bar Date. (Murphy, Harold) (Entered: 02/12/2014)

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02/13/2014	<u>116</u> (1 pg)	Court's Notice of Assets. Proofs of Claims due by 05/14/2014. Government proof of claim due by 05/14/2014. (ADI) (Entered: 02/13/2014)
02/15/2014	<u>117</u> (3 pgs)	BNC Certificate of Mailing. (Re: <u>116</u> Asset Notice Report) Notice Date 02/15/2014. (Admin.) (Entered: 02/16/2014)
02/20/2014	<u>118</u> (1 pg)	Notice of Docketing Record on Appeal to District Court Re: <u>71</u> Notice of Appeal filed by Appellant Steven C. Fustolo Case Number: 14-10248-RWZ. (jb) (Entered: 02/20/2014)
03/05/2014		Continuance of Meeting of Creditors April 17, 2014 at 10:00 a.m.. (Murphy, Harold) (Entered: 03/05/2014)
03/10/2014	<u>119</u> (1 pg)	Notice of Requirement to Complete Course in Financial Management (ADI) (Entered: 03/10/2014)
03/11/2014	<u>120</u> (4 pgs)	Motion filed by Trustee Harold B. Murphy to Extend Deadline for Trustee and Creditors to File Objections to Discharge Pursuant to 11 U.S.C. § 727 and for Creditors to File Complaints Pursuant to 11 U.S.C. § 523 to May 23, 2014 with certificate of service (O'Neil, Michael) (Entered: 03/11/2014)
03/12/2014	<u>121</u> (2 pgs)	BNC Certificate of Mailing. (Re: <u>119</u> Notice of Requirement to Complete Course in Financial Management) Notice Date 03/12/2014. (Admin.) (Entered: 03/13/2014)
03/18/2014	<u>122</u> (2 pgs)	Assent and Joinder filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC Re: <u>120</u> Motion filed by Trustee Harold B. Murphy to Extend Deadline for Trustee and Creditors to File Objections to Discharge Pursuant to 11 U.S.C. § 727 and for Creditors to File Complaints Pursuant to 11 U.S.C. § 523 to May 23, 2014 with certificate of service (Horne, Jonathan) (Entered: 03/18/2014)
03/18/2014	<u>123</u> (1 pg)	Endorsed Order dated 3/18/2014 Re: <u>120</u> Motion filed by Trustee Harold B. Murphy to Extend Deadline for Trustee and Creditors to File Objections to Discharge Pursuant to 11 U.S.C. § 727 and for Creditors to File Complaints Pursuant to 11 U.S.C. § 523 to May 23, 2014 . MOTION ALLOWED IN PART. THE TRUSTEE LACKS STANDING TO SEEK AN EXTENSION OF THE DEADLINE TO FILE COMPLAINTS UNDER 11 U.S.C. SEC. 523. (jb) (Entered: 03/18/2014)
03/18/2014	<u>124</u> (1 pg)	Endorsed Order dated 3/18/2014 Re: <u>122</u> Assent and Joinder filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC Re: <u>120</u> Motion filed by Trustee Harold B. Murphy to Extend Deadline for Trustee and Creditors to File Objections to Discharge Pursuant to 11 U.S.C. § 727 and for Creditors to File Complaints Pursuant to 11 U.S.C. § 523 to May 23, 2014 THE COURT SHALL TREAT THIS "JOINDER" AS A MOTION TO EXTEND THE DEADLINES UNDER 11 U.S.C. SECS. 523 AND 727. THE MOTION IS GRANTED AND THE TIME IS EXTENDED UNTIL MAY 23, 2014. (jb) (Entered: 03/18/2014)
03/20/2014	<u>125</u> (2 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>123</u> Order on Motion to Extend) Notice Date 03/20/2014. (Admin.) (Entered: 03/21/2014)



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03/20/2014	<u>126</u> (2 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>124</u> Order on Motion For Summary Judgment) Notice Date 03/20/2014. (Admin.) (Entered: 03/21/2014)
04/22/2014	<u>127</u> (16 pgs)	Motion filed by Debtor Steven C. Fustolo to Compel <i>Abandonment of Residential Condominiums, to Pay Accrued But Unpaid Costs Incurred by Trustee To Date of Abandonment, and to Repair Health and Safety Code Violations in the Condominiums</i> with certificate of service Fee Amount \$176 (Nickless, David) (Entered: 04/22/2014)
04/22/2014		Receipt of filing fee for Motion to Compel(13-12692) [motion,mcompel] ( 176.00). Receipt Number 13703364, amount \$ 176.00 (re: Doc# <u>127</u> ) (U.S. Treasury) (Entered: 04/22/2014)
04/25/2014		Continuance of Meeting of Creditors May 9, 2014 at 9:00 a.m.. (Murphy, Harold) (Entered: 04/25/2014)
05/06/2014	<u>128</u> (6 pgs)	Partial Opposition filed by Trustee Harold B. Murphy (Re: <u>127</u> Motion filed by Debtor Steven C. Fustolo to Compel <i>Abandonment of Residential Condominiums, to Pay Accrued But Unpaid Costs Incurred by Trustee To Date of Abandonment, and to Repair Health and Safety Code Violations in the Condominiums</i> ) with certificate of service (O'Neil, Michael) (Entered: 05/06/2014)
05/06/2014	<u>129</u> (6 pgs)	Notice Of Intent To Abandon Condominiums with certificate of service filed by Trustee Harold B. Murphy (O'Neil, Michael) (Entered: 05/06/2014)
05/08/2014	<u>130</u> (1 pg)	Hearing Scheduled for 5/28/2014 at 10:30 AM at Boston Courtroom 1, 12th Floor, 5 Post Office Square, Boston, MA 02109 Re: <u>127</u> Motion filed by Debtor Steven C. Fustolo to Compel Abandonment of Residential Condominiums, to Pay Accrued But Unpaid Costs Incurred by Trustee To Date of Abandonment, and to Repair Health and Safety Code Violations in the Condominiums. (pd) (Entered: 05/08/2014)
05/08/2014	<u>131</u> (4 pgs)	Certificate of Service of Notice of Hearing (Re: <u>127</u> Motion to Compel) filed by Debtor Steven C. Fustolo (Nickless, David) (Entered: 05/08/2014)
05/16/2014	<u>132</u> (3 pgs)	Expedited Motion filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC to Extend Time to Object to Discharge to August 21, 2014 with certificate of service. (Horne, Jonathan) (Entered: 05/16/2014)
05/16/2014	<u>133</u> (5 pgs)	Motion filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC for 2004 Examination of Steven C. Fustolo with certificate of service. (Horne, Jonathan) (Entered: 05/16/2014)
05/16/2014	<u>134</u> (1 pg)	Endorsed Order dated 5/16/2014 Re: <u>132</u> Expedited Motion filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC to Extend Time to Object to Discharge to August 21, 2014 . ALLOWED. (jb) (Entered: 05/16/2014)
05/18/2014	<u>135</u> (2 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>134</u> Order on Motion to Extend) Notice Date 05/18/2014. (Admin.) (Entered: 05/19/2014)

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05/19/2014	<u>136</u> (4 pgs)	Motion filed by Trustee Harold B. Murphy to Extend Time to Object to Discharge to August 21, 2014 with certificate of service. (O'Neil, Michael) (Entered: 05/19/2014)
05/19/2014	<u>137</u> (1 pg)	Hearing Scheduled for 5/28/2014 at 10:30 AM at Boston Courtroom 1, 12th Floor, 5 Post Office Square, Boston, MA 02109 Re: <u>133</u> Motion filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC for 2004 Examination of Steven C. Fustolo. Objections due by 5/27/2014 at 04:30 PM. (pd) (Entered: 05/19/2014)
05/19/2014	<u>138</u> (1 pg)	Endorsed Order dated 5/19/2014 Re: <u>136</u> Motion filed by Trustee Harold B. Murphy to Extend Time to Object to Discharge to August 21, 2014 . ALLOWED. (jb) (Entered: 05/19/2014)
05/21/2014	<u>139</u> (2 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>138</u> Order on Motion to Extend) Notice Date 05/21/2014. (Admin.) (Entered: 05/22/2014)
05/27/2014	<u>140</u> (17 pgs; 2 docs)	Objection and Cross Motion to Quash with certificate of service filed by Debtor Steven C. Fustolo Re: <u>133</u> Motion filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC for 2004 Examination of Steven C. Fustolo with certificate of service. (Attachments: # <u>1</u> Exhibit Letter & Document Requests) (Nickless, David) (Entered: 05/27/2014)
05/28/2014	<u>141</u> (2 pgs)	Notice of Appearance and Request for Notice by Marcus Pratt with certificate of service filed by Creditor Bank of America, N.A. (Pratt, Marcus) (Entered: 05/28/2014)
05/28/2014	<u>142</u> (1 pg)	Order dated 5/28/2014 Re: <u>127</u> Motion filed by Debtor Steven C. Fustolo to Compel Abandonment of Residential Condominiums, to Pay Accrued But Unpaid Costs Incurred by Trustee To Date of Abandonment, and to Repair Health and Safety Code Violations in the Condominiums . HEARING HELD. THE COURT DIRECTS THAT THE DEBTOR PROVIDE ACCESS TO THE CHAPTER 7 TRUSTEE TO INSPECT THE PREMISES AFTER WHICH HE SHALL COMMUNICATE WITH THE MORTGAGEE TO DETERMINE WHETHER OR NOT HE WISHES TO PURSUE HIS OBJECTION. IF HE DOES WISH TO PURSUE HIS OBJECTION, HE SHALL IMMEDIATELY OBTAIN THE ADVICE OF A BROKER ON THE OPINION OF VALUE AND IF APPROPRIATE, EMPLOY A BROKER TO MARKET THE PROPERTY. A CONTINUED HEARING SHALL BE HELD ON JUNE 25, 2014 AT 9:45 A.M. (jb) (Entered: 05/29/2014)
05/28/2014	<u>143</u> (1 pg)	Hearing Continued to 6/25/2014 at 9:45 AM at Boston Courtroom 1, 12th Floor, 5 Post Office Square, Boston, MA 02109 Re: <u>127</u> Motion filed by Debtor Steven C. Fustolo to Compel Abandonment of Residential Condominiums, to Pay Accrued But Unpaid Costs Incurred by Trustee To Date of Abandonment, and to Repair Health and Safety Code Violations in the Condominiums (jb) (Entered: 05/29/2014)
05/28/2014	<u>144</u> (1 pg)	Order dated 5/28/2014 Re: <u>133</u> Motion filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC for 2004 Examination of Steven C. Fustolo . HEARING HELD. FOR THE REASONS STATED ON THE RECORD, THE MOTION IS GRANTED. THE COURT DIRECTS THAT THE 2004 EXAMINATION IS



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		DEFERRED UNTIL THE CHAPTER 7 TRUSTEE ADJOURNS THE SECTION 341 MEETING. (jb) (Entered: 05/29/2014)
05/31/2014	<u>145</u> (2 pgs)	BNC Certificate of Mailing - Hearing. (Re: <u>143</u> Hearing Scheduled) Notice Date 05/31/2014. (Admin.) (Entered: 06/01/2014)
05/31/2014	<u>146</u> (2 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>142</u> Order on Motion to Compel) Notice Date 05/31/2014. (Admin.) (Entered: 06/01/2014)
05/31/2014	<u>147</u> (2 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>144</u> Order on Motion for 2004 Examination) Notice Date 05/31/2014. (Admin.) (Entered: 06/01/2014)
06/24/2014	<u>148</u> (4 pgs; 2 docs)	Assented To Motion filed by Trustee Harold B. Murphy to Continue Hearing [Re: <u>127</u> Motion to Compel] <i>Expedited Consideration Requested</i> . (Attachments: # <u>1</u> Certificate of Service) (O'Neil, Michael) (Entered: 06/24/2014)
06/24/2014	<u>149</u> (1 pg)	Endorsed Order dated 6/24/2014 Re: <u>148</u> Assented To Motion filed by Trustee Harold B. Murphy to Continue Hearing Re: <u>127</u> Motion to Compel Expedited Consideration Requested. ALLOWED. (jb) (Entered: 06/24/2014)
06/24/2014	<u>150</u> (1 pg)	Hearing Rescheduled for 7/22/2014 at 10:00 AM at Boston Courtroom 1, 12th Floor, 5 Post Office Square, Boston, MA 02109 Re: <u>127</u> Motion filed by Debtor Steven C. Fustolo to Compel Abandonment of Residential Condominiums, to Pay Accrued But Unpaid Costs Incurred by Trustee To Date of Abandonment, and to Repair Health and Safety Code Violations in the Condominiums. (pd) (Entered: 06/24/2014)
06/26/2014	<u>151</u> (2 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>149</u> Order on Motion to Continue/Cancel Hearing) Notice Date 06/26/2014. (Admin.) (Entered: 06/27/2014)
07/21/2014	<u>152</u> (3 pgs; 2 docs)	Joint Motion filed by Debtor Steven C. Fustolo, Trustee Harold B. Murphy to Cancel Hearing [Re: <u>127</u> Motion to Compel] ( <i>Expedited Consideration Requested</i> ). (Attachments: # <u>1</u> Certificate of Service) (O'Neil, Michael) (Entered: 07/21/2014)
07/21/2014	<u>153</u> (1 pg)	Endorsed Order dated 7/21/2014 Re: <u>152</u> Joint Motion filed by Debtor Steven C. Fustolo, Trustee Harold B. Murphy to Cancel Hearing [Re: <u>127</u> Motion to Compel]. ALLOWED. SETTLEMENT PAPERS SHALL BE FILED WITHIN 14 DAYS OF THE DATE OF THIS ORDER. (chy) (Entered: 07/22/2014)
08/01/2014	<u>154</u> (5 pgs)	Stipulation By Debtor Steven C. Fustolo, Trustee Harold B. Murphy (Re: <u>127</u> Motion to Compel) filed by Debtor Steven C. Fustolo, Trustee Harold B. Murphy (O'Neil, Michael) (Entered: 08/01/2014)
08/01/2014	<u>155</u> (4 pgs)	Motion filed by Trustee Harold B. Murphy to Approve [Re: <u>154</u> Stipulation Re: <u>127</u> Motion to Compel] (O'Neil, Michael) (Entered: 08/01/2014)
08/01/2014	<u>156</u> (2 pgs)	Notice Of Intent To Abandon Condominiums filed by Trustee Harold B. Murphy (O'Neil, Michael) (Entered: 08/01/2014)

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08/01/2014	<u>157</u> (5 pgs)	Certificate of Service (Re: <u>154</u> Stipulation, <u>155</u> Motion to Approve, <u>156</u> Notice of Abandonment) filed by Trustee Harold B. Murphy (O'Neil, Michael) (Entered: 08/01/2014)
08/04/2014	<u>158</u> (1 pg)	Notice of Objection Deadline Re: <u>155</u> Motion filed by Trustee Harold B. Murphy to Approve Re: <u>154</u> Stipulation Re: <u>127</u> Motion to Compel. Objections due by 8/28/2014 at 04:30 PM. (jb) (Entered: 08/04/2014)
08/07/2014	<u>159</u> (3 pgs)	Expedited Motion filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC to Extend Time to Object to Discharge with certificate of service. (Horne, Jonathan) (Entered: 08/07/2014)
08/07/2014	<u>160</u> (6 pgs)	Motion filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC for 2004 Examination of Citizens Bank, Belmont Savings Bank, Winchester Savings Bank, Century Bank, Bank of America, Steven Robinson, and Elisa Fustolo with certificate of service. (Horne, Jonathan) (Entered: 08/07/2014)
08/07/2014	<u>161</u> (1 pg)	Endorsed Order dated 8/7/2014 Re: <u>160</u> Motion filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC for 2004 Examination of Citizens Bank, Belmont Savings Bank, Winchester Savings Bank, Century Bank, Bank of America, Steven Robinson, and Elisa Fustolo . ALLOWED. (jb) (Entered: 08/07/2014)
08/07/2014	<u>162</u> (1 pg)	Endorsed Order dated 8/7/2014 Re: <u>159</u> Expedited Motion filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC to Extend Time to Object to Discharge . ALLOWED. Follow up deadline to oppose discharge or dischargeability is 11/19/2014 . (jb) (Entered: 08/07/2014)
08/07/2014	<u>163</u> (2 pgs)	Expedited Motion filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC to Extend Time to Object to Exemptions with certificate of service. (Horne, Jonathan) (Entered: 08/07/2014)
08/07/2014	<u>164</u> (3 pgs)	Motion filed by Debtor Steven C. Fustolo To Revoke Re: <u>162</u> Endorsed Order dated 8/7/2014 Granting Re: <u>159</u> Expedited Motion filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC to Extend Time to Object to Discharge and to Set Matter for Hearing with certificate of service. (Nickless, David) (Entered: 08/07/2014)
08/09/2014	<u>165</u> (2 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>161</u> Order on Motion for 2004 Examination) Notice Date 08/09/2014. (Admin.) (Entered: 08/10/2014)
08/09/2014	<u>166</u> (2 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>162</u> Order on Motion to Extend) Notice Date 08/09/2014. (Admin.) (Entered: 08/10/2014)
08/11/2014	<u>167</u> (1 pg)	Hearing Scheduled for 8/19/2014 at 09:45 AM at Boston Courtroom 1, 12th Floor, 5 Post Office Square, Boston, MA 02109 Re: <u>164</u> Motion filed by Debtor Steven C. Fustolo To Revoke Re: <u>162</u> Endorsed Order dated 8/7/2014 Granting Re: <u>159</u> Expedited Motion filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC to



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		Extend Time to Object to Discharge. Objections due by 8/18/2014 at 04:30 PM. (pd) (Entered: 08/11/2014)
08/11/2014		Trustee's Request for a Claims Register as the Deadline Set for Filing Proofs of Claims has Passed. (Murphy, Harold) (Entered: 08/11/2014)
08/11/2014	<u>168</u> (2 pgs)	Certificate of Service of Notice of Hearing (Re: <u>164</u> Miscellaneous Motion) filed by Debtor Steven C. Fustolo (Nickless, David) (Entered: 08/11/2014)
08/12/2014	<u>169</u> (1 pg)	Clerk's Notice of Zero Fees Due. (sl) (Entered: 08/12/2014)
08/12/2014	<u>170</u> (4 pgs)	Claims register electronically sent to Trustee Re: Request for Claims Register filed by Trustee Harold B. Murphy. (sl) (Entered: 08/12/2014)
08/13/2014	<u>171</u> (1 pg)	Hearing Scheduled for 8/19/2014 at 09:45 AM at Boston Courtroom 1, 12th Floor, 5 Post Office Square, Boston, MA 02109 Re: <u>163</u> Expedited Motion filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC to Extend Time to Object to Exemptions. (pd) (Entered: 08/13/2014)
08/14/2014	<u>172</u> (37 pgs; 2 docs)	Amended Schedule(s) B, D, F, H, Statement of Financial Affairs and Matrix ( <i>Amended and Superseding</i> ), <i>Amended Summary of Schedules, Verified Declaration</i> Fee Amount \$30 (Re: <u>22</u> Schedules A-J, <u>80</u> Matrix, <u>101</u> Amended Schedules-Creditor Matrix) filed by Debtor Steven C. Fustolo (Attachments: # <u>1</u> Amended Matrix) (Nickless, David) (Entered: 08/14/2014)
08/14/2014		Receipt of filing fee for Amended Schedules-Creditor Matrix(13-12692) [misc,amdsch] ( 30.00). Receipt Number 14032089, amount \$ 30.00 (re: Doc# <u>172</u> ) (U.S. Treasury) (Entered: 08/14/2014)
08/14/2014	<u>173</u> (3 pgs)	Motion filed by Debtor Steven C. Fustolo to Amend Schedule B, Schedule D, Schedule F, Schedule H, Statement of Financial Affairs, Summary of Schedules, Matrix, [Re: <u>172</u> Amended Schedules-Creditor Matrix] with certificate of service. (Nickless, David) (Entered: 08/14/2014)
08/14/2014	<u>174</u> (4 pgs; 2 docs)	Objection to Debtor's Claim of Exemptions <i>and Request for Turnover of Property</i> filed by Trustee Harold B. Murphy. (Attachments: # <u>1</u> Certificate of Service) (O'Neil, Michael) (Entered: 08/14/2014)
08/14/2014	<u>175</u> (1 pg)	Endorsed Order dated 8/14/2014 Re: <u>173</u> Motion filed by Debtor Steven C. Fustolo to Amend Schedule B, Schedule D, Schedule F, Schedule H, Statement of Financial Affairs, Summary of Schedules, Matrix Re: <u>172</u> Amended Schedules-Creditor Matrix. ALLOWED. (jb) (Entered: 08/14/2014)
08/14/2014	<u>176</u> (1 pg)	Notice of Added Creditors by the Court Re: <u>173</u> Motion filed by Debtor Steven C. Fustolo to Amend Schedule B, Schedule D, Schedule F, Schedule H, Statement of Financial Affairs, Summary of Schedules, Matrix. Deadline to Object to Discharge for New Creditor(s)(Only): 10/14/2014. (jb) (Entered: 08/14/2014)
08/14/2014	<u>177</u> (3 pgs)	Limited Objection with certificate of service filed by Debtor Steven C. Fustolo Re: <u>163</u> Expedited Motion filed by Creditors 50 Thomas Patton

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		Drive LLC, Richard Mayer, The Patriot Group, LLC to Extend Time to Object to Exemptions with certificate of service. (Nickless, David) (Entered: 08/14/2014)
08/15/2014	<u>178</u> (1 pg)	Hearing Scheduled for 9/23/2014 at 10:00 AM at Boston Courtroom 1, 12th Floor, 5 Post Office Square, Boston, MA 02109 Re: <u>174</u> Objection to Debtor's Claim of Exemption and Request for Turnover of Property filed by Trustee Harold B. Murphy. Responses due by 9/16/2014 at 04:30 PM. (pd) (Entered: 08/15/2014)
08/15/2014	<u>179</u> (3 pgs)	Motion filed by Interested Party Steven E. Robinson to Amend Order and Limit 2004 Examination (Re: <u>161</u> Endorsed Order dated 8/7/2014 Re: <u>160</u> Motion filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC for 2004 Examination of Citizens Bank, Belmont Savings Bank, Winchester Savings Bank, Century Bank, Bank of America, Steven Robinson, and Elisa Fustolo) with certificate of service. (Panos, Christopher) (Entered: 08/15/2014)
08/15/2014	<u>180</u> (2 pgs)	Joinder in Objection with certificate of service filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC Re: <u>174</u> Objection to Debtor's Claim of Exemptions and Request for Turnover of Property filed by Trustee Harold B. Murphy. (Attachments: # 1 Certificate of Service) (O'Neil, Michael) (Horne, Jonathan) (Entered: 08/15/2014)
08/15/2014	<u>181</u> (1 pg)	Hearing Scheduled for 9/23/2014 at 10:00 AM at Boston Courtroom 1, 12th Floor, 5 Post Office Square, Boston, MA 02109 Re: <u>179</u> Motion filed by Interested Party Steven E. Robinson to Amend Order and Limit 2004 Examination (Re: <u>161</u> Endorsed Order dated 8/7/2014 Re: <u>160</u> Motion filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC for 2004 Examination of Citizens Bank, Belmont Savings Bank, Winchester Savings Bank, Century Bank, Bank of America, Steven Robinson, and Elisa Fustolo). Objections due by 9/9/2014 at 04:30 PM. (pd) (Entered: 08/15/2014)
08/16/2014	<u>182</u> (2 pgs)	BNC Certificate of Mailing. (Re: <u>176</u> Notice to Add Creditors filed by Debtor Steven C. Fustolo) Notice Date 08/16/2014. (Admin.) (Entered: 08/17/2014)
08/16/2014	<u>183</u> (2 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>175</u> Order on Motion to Amend) Notice Date 08/16/2014. (Admin.) (Entered: 08/17/2014)
08/18/2014	<u>184</u> (11 pgs; 2 docs)	Supplement with certificate of service filed by Debtor Steven C. Fustolo Re: <u>164</u> Motion filed by Debtor Steven C. Fustolo To Revoke. (Attachments: # <u>1</u> Exhibit Rule 2004 Subpoena) (Nickless, David) (Entered: 08/18/2014)
08/18/2014	<u>185</u> (4 pgs)	Objection with certificate of service filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC Re: <u>164</u> Motion filed by Debtor Steven C. Fustolo To Revoke. (Horne, Jonathan) (Entered: 08/18/2014)
08/19/2014	<u>186</u> (1 pg)	Order dated 8/19/2014 Re: <u>163</u> Expedited Motion filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC to Extend Time to Object to Exemptions. HEARING HELD. FOR THE REASONS STATED ON THE RECORD, THE MOTION IS GRANTED THROUGH SEPTEMBER 19, 2014. (chy) (Entered: 08/19/2014)



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08/19/2014	<u>187</u> (1 pg)	Order dated 8/19/2014 Re: <u>164</u> Motion filed by Debtor Steven C. Fustolo To Revoke Re: <u>162</u> Endorsed Order dated 8/7/2014 Granting Re: <u>159</u> Expedited Motion filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC to Extend Time to Object to Discharge. HEARING HELD. FOR THE REASONS STATED ON THE RECORD, THE COURT VACATES ITS AUGUST 7, 2014 ORDER EXTENDING THE TIME TO OBJECT TO DISCHARGE TO NOVEMBER 19, 2014. THE COURT GRANTS THE MOTION TO EXTEND THE TIME TO OBJECT TO DISCHARGE TO SEPTEMBER 30, 2014. THE 2004 EXAMINATION SHALL TAKE PLACE ON ONE BUSINESS DAY OF AUGUST 26, 2014, AUGUST 27, 2014 OR AUGUST 29, 2014. ANY COMPLAINT RELATING TO THE DISCHARGE SHALL BE FILED BY SEPTEMBER 30, 2014 AT 4:30 P.M. (chy) (Entered: 08/19/2014)
08/27/2014	<u>188</u> (147 pgs; 2 docs)	Motion filed by Interested Parties Costanzo Fustolo, Elisa Fustolo, Steven E. Robinson to Quash Bank Subpoenas with certificate of service. (Attachments: # <u>1</u> Exhibit Exhibit A) (Panos, Christopher) (Entered: 08/27/2014)
08/29/2014	<u>189</u> (1 pg)	Endorsed Order dated 8/29/2014 Re: <u>155</u> Motion filed by Trustee Harold B. Murphy to Approve Re: <u>154</u> Stipulation Re: <u>127</u> Motion to Compel. ALLOWED. NO OBJECTIONS FILED. (jb) (Entered: 09/02/2014)
08/29/2014	<u>190</u> (1 pg)	Endorsed Order dated 8/29/2014 Re: <u>188</u> Motion filed by Interested Parties Costanzo Fustolo, Elisa Fustolo, Steven E. Robinson to Quash Bank Subpoenas . THE COURT WILL CONDUCT A HEARING ON THIS MOTION ON 09/23/14 AT 10:00 AM. THE REQUIREMENT FOR PRODUCTION OF DOCUMENTS PURSUANT TO THE SUBPOENAS IS EXTENDED PENDING FURTHER ORDER OF THE COURT. (jb) (Entered: 09/02/2014)
09/02/2014	<u>191</u> (1 pg)	Hearing Scheduled for 9/23/2014 at 10:00 AM at Boston Courtroom 1, 12th Floor, 5 Post Office Square, Boston, MA 02109 Re: <u>188</u> Motion filed by Interested Parties Costanzo Fustolo, Elisa Fustolo, Steven E. Robinson to Quash Bank Subpoenas (jb) (Entered: 09/02/2014)
09/04/2014	<u>192</u> (2 pgs)	Partial Withdrawal of Request of Non-Debtor to Quash or Modify Bank Subpoenas filed by Interested Party Elisa Fustolo (Re: <u>188</u> Motion filed by Interested Parties Costanzo Fustolo, Elisa Fustolo, Steven E. Robinson to Quash Bank Subpoenas) with certificate of service. (Panos, Christopher) (Entered: 09/04/2014)
09/04/2014	<u>193</u> (2 pgs)	BNC Certificate of Mailing - Hearing. (Re: <u>191</u> Hearing Scheduled) Notice Date 09/04/2014. (Admin.) (Entered: 09/05/2014)
09/04/2014	<u>194</u> (2 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>189</u> Order on Motion for Approval) Notice Date 09/04/2014. (Admin.) (Entered: 09/05/2014)
09/04/2014	<u>195</u> (2 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>190</u> Order on Motion To Quash) Notice Date 09/04/2014. (Admin.) (Entered: 09/05/2014)
09/09/2014	<u>196</u> (3 pgs)	Emergency Motion filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC to Extend Time to File Objection to September 17, 2014 [Re: <u>179</u> Motion to Amend, <u>188</u>

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		Motion to Quash] with certificate of service. (Horne, Jonathan) (Entered: 09/09/2014)
09/10/2014	<u>197</u> (1 pg)	Endorsed Order dated 9/10/2014 Re: <u>196</u> Emergency Motion filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC to Extend Time to File Objection to September 17, 2014 Re: <u>179</u> Motion to Amend, <u>188</u> Motion to Quash.ALLOWED. (jb) (Entered: 09/10/2014)
09/10/2014	<u>198</u> (5 pgs)	Motion filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC for 2004 Examination of Bruce Edmands; Edmands & Williams LLP with certificate of service. (Horne, Jonathan) (Entered: 09/10/2014)
09/12/2014	<u>199</u> (2 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>197</u> Order on Motion to Extend) Notice Date 09/12/2014. (Admin.) (Entered: 09/13/2014)
09/15/2014	<u>200</u> (15 pgs; 2 docs)	Objection with certificate of service filed by Debtor Steven C. Fustolo Re: <u>198</u> Motion filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC for 2004 Examination of Bruce Edmands; Edmands & Williams LLP with certificate of service. (Attachments: # <u>1</u> Affidavit) (Nickless, David) (Entered: 09/15/2014)
09/16/2014	<u>201</u> (1 pg)	Hearing Scheduled for 9/23/2014 at 10:00 AM at Boston Courtroom 1, 12th Floor, 5 Post Office Square, Boston, MA 02109 Re: <u>198</u> Motion filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC for 2004 Examination of Bruce Edmands; Edmands & Williams LLP. (pd) (Entered: 09/16/2014)
09/17/2014	<u>202</u> (2 pgs)	Notice of Appearance and Request for Notice by Sarah B. Gullon filed by Creditor Bank of America, N.A. (Gullon, Sarah) (Entered: 09/17/2014)
09/17/2014	<u>203</u> (3 pgs)	Emergency Motion filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC to Extend Time to Respond [Re: <u>179</u> Motion to Amend, <u>188</u> Motion to Quash] with certificate of service. (Horne, Jonathan) (Entered: 09/17/2014)
09/18/2014	<u>204</u> (1 pg)	Endorsed Order dated 9/18/2014 Re: <u>203</u> Emergency Motion filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC to Extend Time to Respond Re: <u>179</u> Motion to Amend, <u>188</u> Motion to Quash. ALLOWED. MOTION ALLOWED. (jb) (Entered: 09/18/2014)
09/20/2014	<u>205</u> (2 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>204</u> Order on Motion to Extend) Notice Date 09/20/2014. (Admin.) (Entered: 09/21/2014)
09/23/2014	<u>206</u> (1 pg)	Order dated 9/23/2014 Re: <u>174</u> Objection to Debtor's Claim of Exemptions and Request for Turnover of Property filed by Trustee Harold B. Murphy. HEARING HELD. THE PARTIES REPORTED THAT THE MATTER HAS BEEN RESOLVED. AN AGREED ORDER SHALL BE SUBMITTED AS REFLECTED ON THE RECORD BY THE CLOSE OF BUSINESS ON SEPTEMBER 24, 2014. (jb) (Entered: 09/23/2014)
09/23/2014	<u>207</u> (1 pg)	Order dated 9/23/2014 Re: <u>179</u> Motion filed by Interested Party Steven E. Robinson to Amend Order and Limit 2004 Examination Re: <u>161</u>



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		Endorsed Order dated 8/7/2014 Re: <u>160</u> Motion filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC for 2004 Examination of Citizens Bank, Belmont Savings Bank, Winchester Savings Bank, Century Bank, Bank of America, Steven Robinson, and Elisa Fustolo. HEARING HELD. THE PARTIES REPORTED THE MATTER SETTLED IN OPEN COURT AND A STIPULATION AND ORDER WAS ENTERED. (jb) (Entered: 09/23/2014)
09/23/2014	<u>208</u> (1 pg)	Order dated 9/23/2014 Re: <u>188</u> Motion filed by Interested Parties Costanzo Fustolo, Elisa Fustolo, Steven E. Robinson to Quash Bank Subpoenas . HEARING HELD. THE PARTIES REPORTED THE MATTER SETTLED IN OPEN COURT AND A STIPULATION AND ORDER WAS ENTERED. (jb) (Entered: 09/23/2014)
09/23/2014	<u>209</u> (1 pg)	Order dated 9/23/2014 Re: <u>198</u> Motion filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC for 2004 Examination of Bruce Edmands; Edmands & Williams LLP . HEARING HELD. FOR THE REASONS STATED ON THE RECORD, THE DEBTOR'S OBJECTION WITH RESPECT TO THE HIGH STREET ESCROW ARRANGEMENT IS OVERRULED. THE CHAPTER 7 TRUSTEE IS DIRECTED TO FILE A STATEMENT REGARDING HIS INTENTIONS WITH RESPECT TO THE WHISTLEBLOWER CLAIMS AND WHETHER HE IS WAIVING THE ATTORNEY-CLIENT PRIVILEGE AND THE BALANCE OF THE MOTION (DOC. #198) IS TAKEN UNDER ADVISEMENT. (jb) (Entered: 09/23/2014)
09/23/2014	<u>210</u> (4 pgs)	Stipulation and Order dated 9/23/2014 Re: <u>179</u> Motion filed by Interested Party Steven E. Robinson to Amend Order and Limit 2004 Examination Re: <u>161</u> Endorsed Order dated 8/7/2014 Re: <u>160</u> Motion filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC for 2004 Examination of Citizens Bank, Belmont Savings Bank, Winchester Savings Bank, Century Bank, Bank of America, Steven Robinson, and Elisa Fustolo, AND <u>188</u> Motion filed by Interested Parties Costanzo Fustolo, Elisa Fustolo, Steven E. Robinson to Quash Bank Subpoenas . SEE STIPULATION AND ORDER FOR FULL TEXT. (jb) (Entered: 09/23/2014)
09/25/2014	<u>211</u> (2 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>206</u> Order) Notice Date 09/25/2014. (Admin.) (Entered: 09/26/2014)
09/25/2014	<u>212</u> (2 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>207</u> Order on Motion to Amend) Notice Date 09/25/2014. (Admin.) (Entered: 09/26/2014)
09/25/2014	<u>213</u> (2 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>208</u> Order on Motion To Quash) Notice Date 09/25/2014. (Admin.) (Entered: 09/26/2014)
09/25/2014	<u>214</u> (2 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>209</u> Order on Motion for 2004 Examination) Notice Date 09/25/2014. (Admin.) (Entered: 09/26/2014)
09/25/2014	<u>215</u> (5 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>210</u> Order) Notice Date 09/25/2014. (Admin.) (Entered: 09/26/2014)
09/26/2014	<u>216</u> (1 pg)	Agreed Order dated 9/26/2014 Re: <u>174</u> Objection to Debtor's Claim of Exemptions and Request for Turnover of Property filed by Trustee Harold B. Murphy. IT IS HEREBY ORDERED THAT THE

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		OBJECTION IS SUSTAINED. See Order for Full Text. (jb) (Entered: 09/26/2014)
09/28/2014	<u>217</u> (2 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>216</u> Order) Notice Date 09/28/2014. (Admin.) (Entered: 09/29/2014)
09/30/2014	<u>218</u> (64 pgs; 2 docs)	Adversary case 14-01193. Complaint by 50 Thomas Patton Drive LLC, The Patriot Group, LLC against Steven C. Fustolo. Fee Amount \$350. (Attachments: # <u>1</u> Cover Sheet) Nature of Suit(41 (Objection / revocation of discharge - 727(c),(d),(e))), (67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)), (68 (Dischargeability - 523(a)(6), willful and malicious injury))(Fencer, Michael) (Entered: 09/30/2014)
09/30/2014		Attorney David M. Nickless for Defendant Steven C. Fustolo added to Adversary Proceeding 1:14-ap-1193 pursuant to Standing Order 2013-02. (jb) (Entered: 09/30/2014)
10/09/2014	<u>219</u> (21 pgs)	An official transcript of hearing (RE: <u>174</u> Objection of Trustee Murphy to Debtor's Claim of Exemption and Request for Turnover of Property (Michael O'Neil); <u>180</u> Joinder of The Patriot Group, LLC, 50 Thomas Patton Drive, LLC, and Richard Mayer to <u>174</u> (Jonathan Horne); <u>179</u> Motion of Steven E. Robinson to Amend Order and Limit 2004 Examination [RE: <u>161</u> Endorsed Order Dated 8/7/2014 RE: <u>160</u> Motion Filed by Creditors 50 Thomas Patton Drive, LLC, Richard Mayer, The Patriot Group, LLC for 2004 Examination of Citizens Bank, Belmont Savings Bank, Winchester Savings Bank, Century Bank, Bank of America, Steven Robinson, and Elisa Fustolo) (Christopher Panos); <u>188</u> Motion of Costanzo Fustolo, Elisa Fustolo, Steven E. Robinson to Quash Bank Subpoenas (Christopher Panos); <u>192</u> Partial Withdrawal of Non-Debtor Elisa Fustolo RE: <u>188</u> (Christopher Panos); <u>199</u> Motion of 50 Thomas Patton Drive, LLC, Richard Mayer, The Patriot Group, LLC for 2004 Examinations of Bruce Edmands; Edmands & Williams, LLP (Jonathan Horne); <u>200</u> Objection of Debtor (David Nickless)) heard on 09/23/2014 has been filed. Pursuant to Judicial Conference Policy, electronic access to transcripts is restricted for 90 days from the date of filing. The transcript is available for inspection at the Clerk's Office or a copy may be purchased from the transcriber. Contact the ECR Operator for transcriber information. Parties have until 10/30/2014 to file a Request for Redaction with the Court. If no request is filed, the transcript may be made available electronically on 01/8/2015. (Cascade Hills Transcription, Inc.) (Entered: 10/09/2014)
10/10/2014	<u>220</u> (1 pg)	Notice of Filing of Official Transcript. Notice is hereby given that an official transcript has been filed. Pursuant to the Judicial Conference policy governing public access to transcripts of federal court proceedings, transcripts are not electronically available(online) until 90 days after filing but may be inspected by clerk's office or purchased from the court transcriber during the 90-day period. (ADI) (Entered: 10/10/2014)
10/12/2014	<u>221</u> (3 pgs)	BNC Certificate of Mailing. (Re: <u>220</u> Notice of Filing of Official Transcript) Notice Date 10/12/2014. (Admin.) (Entered: 10/13/2014)
10/15/2014	<u>222</u> (1 pg)	Order dated 10/15/2014 Re: <u>209</u> Order dated 9/23/2014 Re: <u>198</u> Motion filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC for 2004 Examination of Bruce Edmands; Edmands & Williams LLP . THE TRUSTEE IS DIRECTED TO COMPLY WITH



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		THE COURT'S ORDER DATED 9/23/14 (DOC. NO. 209) BY 10/22/14. (jb) (Entered: 10/16/2014)
10/18/2014	<u>223</u> (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>222</u> Order) Notice Date 10/18/2014. (Admin.) (Entered: 10/19/2014)
10/22/2014	<u>224</u> (3 pgs; 2 docs)	Statement filed by Trustee Harold B. Murphy (Re: <u>209</u> Order dated 9/23/2014 Re: <u>198</u> Motion filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC for 2004 Examination of Bruce Edmands; Edmands & Williams LLP) with certificate of service (Attachments: # <u>1</u> Certificate of Service) (O'Neil, Michael) (Entered: 10/22/2014)
10/29/2014	<u>225</u> (1 pg)	Order dated 10/29/2014 Re: <u>198</u> Motion filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC for 2004 Examination of Bruce Edmands; Edmands & Williams LLP . ALLOWED. THE MOTION IS ALLOWED, ALTHOUGH THE TRUSTEE HAS FILED A STATEMENT STATING HIS INTENTION NOT TO WAIVE THE ATTORNEY-CLIENT PRIVILEGE THAT BELONGS TO HIM WITH RESPECT TO THE SO-CALLED "WHISTLEBLOWER CLAIMS." (jb) (Entered: 10/29/2014)
10/31/2014	<u>226</u> (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>225</u> Order on Motion for 2004 Examination) Notice Date 10/31/2014. (Admin.) (Entered: 11/01/2014)
11/07/2014	<u>227</u> (21 pgs; 3 docs)	Motion filed by Debtor Steven C. Fustolo to Quash and/or Modify Subpoenas to Bruce Edmands, Esq. and Edmands & Williams, LLP with certificate of service. (Attachments: # <u>1</u> Exhibit Subpoena # <u>2</u> Exhibit Letter) (Nickless, David) (Entered: 11/07/2014)
11/12/2014	<u>228</u> (1 pg)	Hearing Scheduled for 12/3/2014 at 10:15 AM at Boston Courtroom 1, 12th Floor, 5 Post Office Square, Boston, MA 02109 Re: <u>227</u> Motion filed by Debtor Steven C. Fustolo to Quash and/or Modify Subpoenas to Bruce Edmands, Esq. and Edmands & Williams, LLP. Objections due by 11/28/2014 at 04:30 PM. (sl) (Entered: 11/12/2014)
11/13/2014	<u>229</u> (2 pgs)	Certificate of Service of Notice of Hearing (Re: <u>227</u> Motion to Quash) filed by Debtor Steven C. Fustolo (Nickless, David) (Entered: 11/13/2014)
11/20/2014	233	Entry: Adversary case 14-01222. Complaint by Sealed Plaintiff against Sealed Defendant No. 1 , Sealed Defendant No. 2 , Sealed Defendant No. 3 , Sealed Defendant No. 4 , Sealed Defendant No. 5 . Fee Amount of \$350 is Deferred. Nature of Suit(91 (Declaratory judgment)) ,(72 (Injunctive relief - other)) ,(11 (Recovery of money/property - 542 turnover of property)) ,(13 (Recovery of money/property - 548 fraudulent transfer)) ,(14 (Recovery of money/property - other))(jb) Additional attachment(s) added on 11/20/2014 (jb). (Entered: 11/20/2014) (jb) (Entered: 12/02/2014)
11/28/2014	<u>230</u> (7 pgs)	Objection with certificate of service filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC Re: <u>227</u> Motion filed by Debtor Steven C. Fustolo to Quash and/or Modify Subpoenas to Bruce Edmands, Esq. and Edmands & Williams, LLP with certificate of service. (Horne, Jonathan) (Entered: 11/28/2014)

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11/28/2014	<u>231</u> (31 pgs; 2 docs)	Affidavit of Jonathan M. Horne (Re: <u>230</u> Opposition) filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC (Attachments: # <u>1</u> Exhibit Exhibits A & B) (Horne, Jonathan) (Entered: 11/28/2014)
12/01/2014	<u>232</u> (9 pgs; 4 docs)	Application filed by Trustee Harold B. Murphy to Employ Jager Smith, P.C. as Special Counsel filed with Affidavit along with certificate of service and proposed order. (Attachments: # <u>1</u> Affidavit # <u>2</u> Certificate of Service # <u>3</u> Proposed Order) (O'Neil, Michael) (Entered: 12/01/2014)
12/03/2014	<u>234</u> (1 pg)	Order dated 12/3/2014 Re: <u>227</u> Motion filed by Debtor Steven C. Fustolo to Quash and/or Modify Subpoenas to Bruce Edmands, Esq. and Edmands & Williams, LLP .DENIED. #227, Denied. #231, Objection filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC, Sustained. HEARING HELD. THE MOTION IS DENIED AS THE DEBTOR HAS NOT ESTABLISHED THAT THE COMMUNICATIONS HE HAD WITH ATTORNEY BRUCE EDMANDS OR HIS FIRM WITH RESPECT TO THE SO-CALLED "WHISTLEBLOWER CLAIMS" ARE SUBJECT TO THE ATTORNEY-CLIENT PRIVILEGE. IN HIS AFFIDAVIT, ATTORNEY EDMANDS STATED THAT HE HAD NO INVOLVEMENT IN PREPARING THE WHISTLEBLOWER CLAIMS SUBMITTED BY THE DEBTOR TO TWO FEDERAL AGENCIES. (jb) (Entered: 12/03/2014)
12/05/2014	<u>235</u> (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>234</u> Order on Motion To Quash) Notice Date 12/05/2014. (Admin.) (Entered: 12/06/2014)
12/10/2014	<u>236</u> (1 pg)	Endorsed Order dated 12/10/2014 Re: <u>232</u> Application filed by Trustee Harold B. Murphy to Employ Jager Smith, P.C. as Special Counsel .APPLICATION GRANTED. (jb) (Entered: 12/11/2014)
12/11/2014		Transcript Requested by Jager Smith, P.C.. Transcriptionist awaiting payment. (Cascade Hills Transcription, Inc.) (Entered: 12/11/2014)
12/11/2014	<u>237</u> (35 pgs)	An official transcript of hearing (RE: <u>227</u> Motion of Debtor to Quash and/or Modify Subpoenas to Bruce Edmands, Esq. and Edmands & Williams, LLP (David Nickless); <u>230</u> Objection to 50 Thomas Patton Drive, LLC, Richard Mayer, The Patriot Group, LLC (Jonathan Horne); <u>231</u> Affidavit of Jonathan Horne (Jonathan Horne)) heard on 12/03/2014 has been filed. Pursuant to Judicial Conference Policy, electronic access to transcripts is restricted for 90 days from the date of filing. The transcript is available for inspection at the Clerk's Office or a copy may be purchased from the transcriber. Contact the ECR Operator for transcriber information. Parties have until 01/2/2015 to file a Request for Redaction with the Court. If no request is filed, the transcript may be made available electronically on 03/12/2015. (Cascade Hills Transcription, Inc.) (Entered: 12/11/2014)
12/12/2014	<u>238</u> (1 pg)	Notice of Filing of Official Transcript. Notice is hereby given that an official transcript has been filed. Pursuant to the Judicial Conference policy governing public access to transcripts of federal court proceedings, transcripts are not electronically available(online) until 90 days after filing but may be inspected by clerk's office or purchased from the court transcriber during the 90-day period. (ADI) (Entered: 12/12/2014)



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12/13/2014	<u>239</u> (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>236</u> Order on Application to Employ) Notice Date 12/13/2014. (Admin.) (Entered: 12/14/2014)
12/14/2014	<u>240</u> (3 pgs)	BNC Certificate of Mailing. (Re: <u>238</u> Notice of Filing of Official Transcript) Notice Date 12/14/2014. (Admin.) (Entered: 12/15/2014)
12/15/2014	<u>241</u> (5 pgs)	Motion filed by Debtor Steven C. Fustolo to Reconsider ( <u>236</u> Order on Application to Employ) with certificate of service. (Nickless, David) (Entered: 12/15/2014)
12/16/2014	<u>242</u> (5 pgs)	Objection with certificate of service filed by Trustee Harold B. Murphy Re: <u>241</u> Motion filed by Debtor Steven C. Fustolo to Reconsider ( <u>236</u> Order on Application to Employ) with certificate of service. (Fencer, Michael) (Entered: 12/16/2014)
12/22/2014	<u>243</u> (4 pgs)	Order dated 12/22/2014 Re: <u>241</u> Motion filed by Debtor Steven C. Fustolo to Reconsider Re: <u>236</u> Order on Application to Employ. DENIED. THE COURT CONCLUDES THE DEBTOR'S MOTION FOR RECONSIDERATION LACKS MERIT AND, THUS, DENIES THE MOTION. See Order for Full Text. (jb) (Entered: 12/22/2014)
12/23/2014	<u>244</u> (3 pgs; 2 docs)	Notice of Appearance and Request for Notice by Amy N Azza filed by Creditor U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust (Attachments: # <u>1</u> Certificate of Service) (Azza, Amy) (Entered: 12/23/2014)
12/24/2014	<u>245</u> (6 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>243</u> Order on Motion To Reconsider) Notice Date 12/24/2014. (Admin.) (Entered: 12/25/2014)
01/06/2015	<u>246</u> (1 pg)	Substitution of Attorney Timothy Larson for Laura D. Sannicandro. For a full list of cases please refer to case 09-10576, doc #92. (ADI) (Entered: 01/06/2015)
01/12/2015	<u>247</u> (43 pgs; 2 docs)	Motion filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC to Compel (Bruce Edmands, Esq.) Answers to Deposition Questions and Production of Documents with certificate of service. (Attachments: # <u>1</u> Exhibit Exhibit A) (Horne, Jonathan) (Entered: 01/12/2015)
01/13/2015	<u>248</u> (2 pgs)	Notice of Appearance and Request for Notice by Gary R. Greenberg with certificate of service filed by Creditor The Patriot Group, LLC (Greenberg, Gary) (Entered: 01/13/2015)
01/13/2015	<u>249</u> (2 pgs)	Notice of Appearance and Request for Notice by John F. Farraher Jr. with certificate of service filed by Creditor The Patriot Group, LLC (Farraher, John) (Entered: 01/13/2015)
01/13/2015	<u>250</u> (56 pgs; 3 docs)	Adversary case 15-01015. <i>Verified</i> Complaint by The Patriot Group, LLC against Steven C. Fustolo, John Does 1-10. Fee Amount \$350. (Attachments: # <u>1</u> Exhibit A # <u>2</u> Exhibit B) Nature of Suit(72 (Injunctive relief - other))(Greenberg, Gary) (Entered: 01/13/2015)
01/13/2015		Attorney David M. Nickless for Defendant Steven C. Fustolo added to Adversary Proceeding 1:15-ap-1015 pursuant to Standing Order 2013-02.

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		(jb) (Entered: 01/13/2015)
01/13/2015	<u>251</u> (2 pgs)	Notice of Appearance and Request for Notice by Zachary C. Kleinsasser with certificate of service filed by Creditor The Patriot Group, LLC (Kleinsasser, Zachary) (Entered: 01/13/2015)
01/13/2015	<u>252</u> (2 pgs)	Notice of Appearance and Request for Notice by Dan Rabinovitz filed by Other Professional Bruce W. Edmands (Rabinovitz, Dan) (Entered: 01/13/2015)
01/13/2015	<u>253</u> (2 pgs)	DISREGARD. Opposition to Motion to Compel and Request for Hearing filed by Other Professional Bruce W. Edmands Re: <u>247</u> Motion filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC to Compel (Bruce Edmands, Esq.) Answers to Deposition Questions and Production of Documents with certificate of service. (Rabinovitz, Dan). CORRECTIVE ENTRY: Please disregard. Document not signed. Two-Day Order issued for Replacement Document. Modified on 1/13/2015 (jb). (Entered: 01/13/2015)
01/13/2015	<u>254</u> (1 pg)	Order Requiring Corrective Action. You are hereby <b>ORDERED</b> to file the required document(s) <b>identified in the attached order</b> within (2) business days of the date of this order (Re: <u>253</u> Opposition filed by Other Professional Bruce W. Edmands) (jb) (Entered: 01/13/2015)
01/13/2015	<u>255</u> (2 pgs)	Opposition to Motion to Compel and Request for Hearing filed by Other Professional Bruce W. Edmands Re: <u>247</u> Motion filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC to Compel (Bruce Edmands, Esq.) Answers to Deposition Questions and Production of Documents with certificate of service. (Rabinovitz, Dan) (Entered: 01/13/2015)
01/13/2015	<u>256</u> (1 pg)	Endorsed Order dated 1/13/2015 Re: <u>255</u> Opposition to Motion to Compel and Request for Hearing filed by Other Professional Bruce W. Edmands Re: <u>247</u> Motion filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC to Compel (Bruce Edmands, Esq.) Answers to Deposition Questions and Production of Documents. THE REQUEST CONTAINED HEREIN FOR AN EXTENSION OF TIME TO RESPOND TO THE MOTION TO COMPEL UNTIL JANUARY 26, 2015 IS GRANTED. (jb) (Entered: 01/14/2015)
01/16/2015	<u>257</u> (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>256</u> Order) Notice Date 01/16/2015. (Admin.) (Entered: 01/17/2015)
01/26/2015	<u>258</u> (23 pgs; 3 docs)	Supplemental Opposition to Motion to Compel Bruce Edmands, Esq. and Request for Hearing with certificate of service filed by Other Professional Bruce W. Edmands Re: <u>247</u> Motion filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC to Compel Answers to Deposition Questions and Production of Documents with certificate of service. (Attachments: # <u>1</u> Exhibit A # <u>2</u> Exhibit B) (Rabinovitz, Dan) (Entered: 01/26/2015)
01/30/2015	<u>259</u> (1 pg)	Hearing Scheduled for 2/17/2015 at 10:15 AM at Boston Courtroom 1, 12th Floor, 5 Post Office Square, Boston, MA 02109 Re: <u>247</u> Motion filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC to Compel Bruce Edmands, Esq. and Edmands & Williams LLP to Produce Documents and Answer Deposition Questions.



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		Counsel to the Chapter 7 trustee is directed to attend the hearing (pd) (Entered: 01/30/2015)
02/06/2015	<u>260</u> (2 pgs)	Certificate of Service of Notice of Hearing (Re: <u>247</u> Motion filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC to Compel Bruce Edmands, Esq. and Edmands & Williams LLP to Produce Documents and Answer Deposition Questions filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC (Horne, Jonathan) (Entered: 02/06/2015)
02/11/2015	<u>261</u> (3 pgs)	Emergency Motion filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC to Appear Telephonically at Hearing Scheduled for February 17, 2015 [Re: <u>247</u> Motion to Compel] with certificate of service. (Horne, Jonathan) (Entered: 02/11/2015)
02/11/2015	<u>262</u> (11 pgs; 3 docs)	Reply in Response (Re: <u>258</u> Supplemental Opposition to Motion to Compel Bruce Edmands, Esq. and Request for Hearing filed by Other Professional Bruce W. Edmands Re: <u>247</u> Motion to Compel Answers to Deposition Questions and Production of Documents) filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC with certificate of service. (Attachments: # <u>1</u> Exhibit A # <u>2</u> Exhibit B) (Horne, Jonathan) (Entered: 02/11/2015)
02/12/2015	<u>263</u> (1 pg)	Endorsed Order dated 2/12/2015 Re: <u>261</u> Emergency Motion filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC to Appear Telephonically at Hearing Scheduled for February 17, 2015 Re: <u>247</u> Motion to Compel. ALLOWED. MOVANT SHALL CONTACT MS. PEGGY DEFREN AT (617) 748-5327 FOR CALL-IN INSTRUCTIONS. (jb) (Entered: 02/12/2015)
02/14/2015	<u>264</u> (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>263</u> Order on Motion to Appear Telephonically or Via Video Conference) Notice Date 02/14/2015. (Admin.) (Entered: 02/15/2015)
02/17/2015	<u>265</u> (1 pg)	Order dated 2/17/2015 Re: <u>247</u> Motion filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC to Compel (Bruce Edmands, Esq.) Answers to Deposition Questions and Production of Documents . HEARING HELD. CHAPTER 7 TRUSTEE ATTORNEY HAROLD MURPHY STATED IN OPEN COURT THAT HE WAIVES THE ATTORNEY-CLIENT PRIVILEGE AND THE PARTIES AGREED THAT ATTORNEY EDMANDS SHALL PRODUCE REQUESTED DOCUMENTS AND RESUME THE EXAMINATION. THE COURT DENIED THE MOVANT'S REQUEST FOR SANCTIONS. THE PARTIES SHALL SUBMIT AN AGREED ORDER. (jb) (Entered: 02/17/2015)
02/17/2015	<u>269</u> (6 pgs)	Memorandum of Decision Dated 2/17/2015 By District Court Judge Rya W. Zobel, Re: Appeal on Civil Action Number: 14-10248-RWZ, Regarding <u>71</u> Notice of Appeal to District Court filed by Appellant Steven C. Fustolo Re: <u>60</u> Order Dated 12/16/2013 Re: <u>35</u> Motion filed by Petitioning Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC For Summary Judgment AND <u>42</u> Opposition and Cross-Motion filed by Debtor Steven C. Fustolo Re: <u>35</u> Motion filed by Petitioning Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC For Summary Judgment. THE ORDER OF THE BANKRUPTCY COURT IS AFFIRMED. See Memorandum for Full Text. (jb) (Entered: 02/20/2015)

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02/17/2015	<u>270</u> (1 pg)	Judgment Dated 2/17/2015 By District Court Judge Rya W. Zobel, Re: Appeal on Civil Action Number: 14-10248-RWZ, Regarding <u>71</u> Notice of Appeal to District Court filed by Appellant Steven C. Fustolo Re: <u>60</u> Order Dated 12/16/2013 Re: <u>35</u> Motion filed by Petitioning Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC For Summary Judgment AND <u>42</u> Opposition and Cross-Motion filed by Debtor Steven C. Fustolo Re: <u>35</u> Motion filed by Petitioning Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC For Summary Judgment . IN ACCORDANCE WITH THE MEMORANDUM OF DECISION ENTERED ON 2/17/2015; THE BANKRUPTCY ORDER IS AFFIRMED. (jb) (Entered: 02/20/2015)
02/18/2015	<u>266</u> (2 pgs)	(Proposed) Agreed Order (Re: <u>247</u> Motion filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC to Compel (Bruce Edmands, Esq.) Answers to Deposition Questions and Production of Documents ) filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC, Other Professional Bruce W. Edmands (Horne, Jonathan) (Entered: 02/18/2015)
02/19/2015	<u>267</u> (2 pgs)	Agreed Order dated 2/19/2015 Granting Re: <u>247</u> Motion filed by Creditors 50 Thomas Patton Drive LLC, Richard Mayer, The Patriot Group, LLC to Compel (Bruce Edmands, Esq.) Answers to Deposition Questions and Production of Documents . IT IS HEREBY ORDERED THAT THE MOTION IS GRANTED. See Order for Full Text. (jb) (Entered: 02/19/2015)
02/19/2015	<u>268</u> (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>265</u> Order on Motion to Compel) Notice Date 02/19/2015. (Admin.) (Entered: 02/20/2015)
02/21/2015	<u>271</u> (4 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>267</u> Order) Notice Date 02/21/2015. (Admin.) (Entered: 02/22/2015)
02/22/2015	<u>272</u> (9 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>269</u> Order of District Court re: Appeal) Notice Date 02/22/2015. (Admin.) (Entered: 02/23/2015)
02/22/2015	<u>273</u> (4 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>270</u> Order of District Court re: Appeal) Notice Date 02/22/2015. (Admin.) (Entered: 02/23/2015)
03/17/2015	<u>274</u> (32 pgs; 7 docs)	Motion filed by Creditor U.S. Bank Trust, N.A., as Trustee for LSP9 Master Participation Trust for Relief from Stay Re: 115 Salem Street Apt 15, Boston, MA 02113 Fee Amount \$176, Objections due by 03/31/2015. (Attachments: # <u>1</u> Order # <u>2</u> Mortgage # <u>3</u> Assignment 1 # <u>4</u> Assignment 2 # <u>5</u> Note # <u>6</u> Certificate of Service) (Wilcox, Jordan) (Entered: 03/17/2015)
03/18/2015		Receipt of filing fee for Motion for Relief From Stay(13-12692) [motion,mrlfsty] ( 176.00). Receipt Number 14541348, amount \$ 176.00 (re: Doc# <u>274</u> ) (U.S. Treasury) (Entered: 03/18/2015)
03/25/2015	<u>275</u> (1 pg)	DISREGARD. Certificate of Service (Re: <u>274</u> Motion for Relief From Stay) filed by Trustee Harold B. Murphy (O'Neil, Michael) CORRECTIVE ENTRY: Please disregard. Filed in Error. Modified on 3/25/2015 (jb). (Entered: 03/25/2015)



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03/25/2015	<u>276</u> (3 pgs; 2 docs)	Statement of No Opposition by Chapter 7 Trustee to Motion of U.S. Bank, N.A., as Trustee for LSF9 Master Participation Trust for Relief from the Automatic Stay Pursuant to 11 U.S.C. § 362 with certificate of service (Re: <u>274</u> Motion for Relief From Stay) filed by Trustee Harold B. Murphy (Attachments: # <u>1</u> Certificate of Service) (O'Neil, Michael) (Entered: 03/25/2015)
04/01/2015	<u>277</u> (1 pg)	Order dated 4/1/2015 Re: <u>274</u> Motion filed by Creditor U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust for Relief from Stay Re: 115 Salem Street Apt 15, Boston, MA 02113 . GRANTED. See Order for Full Text. (jb) (Entered: 04/01/2015)
04/03/2015	<u>278</u> (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>277</u> Order on Motion For Relief From Stay) Notice Date 04/03/2015. (Admin.) (Entered: 04/04/2015)
05/28/2015	<u>279</u> (3 pgs)	Motion filed by Jonathan Horne, Michael J. Fencer to Withdraw as Attorney for Creditor The Patriot Group, LLC with certificate of service. (Fencer, Michael) (Entered: 05/28/2015)
06/01/2015	<u>280</u> (3 pgs)	Substitution of Law Firm for Attorney Dan Rabinovitz filed by Other Professional Bruce W. Edmands (Rabinovitz, Dan) (Entered: 06/01/2015)
06/01/2015	<u>281</u> (2 pgs)	Notice of Appearance and Request for Notice by Jack I. Siegal filed by Creditor The Patriot Group, LLC (Siegal, Jack) (Entered: 06/01/2015)
06/01/2015	<u>282</u> (2 pgs)	Motion to Withdraw as Counsel for Bruce Edmands filed by Other Professional Bruce W. Edmands (Rabinovitz, Dan) (Entered: 06/01/2015)
06/02/2015	<u>283</u> (3 pgs)	Notice of Withdrawal of Appearance/Representation for <i>The Patriot Group, LLC</i> filed by Other Professional Jager Smith P.C. (Horne, Jonathan) (Entered: 06/02/2015)
06/02/2015	<u>284</u> (1 pg)	Endorsed Order dated 6/2/2015 Re: <u>282</u> Motion to Withdraw as Counsel for Bruce Edmands filed by Other Professional Bruce W. Edmands. MOTION ALLOWED. (jb) (Entered: 06/02/2015)
06/02/2015	<u>285</u> (1 pg)	Endorsed Order dated 6/2/2015 Re: <u>279</u> Motion filed by Jonathan Horne, Michael J. Fencer to Withdraw as Attorney for Creditor The Patriot Group, LLC. ALLOWED. (jb) (Entered: 06/02/2015)
06/04/2015	<u>286</u> (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>284</u> Order) Notice Date 06/04/2015. (Admin.) (Entered: 06/05/2015)
06/04/2015	<u>287</u> (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>285</u> Order on Motion to Withdraw as Attorney) Notice Date 06/04/2015. (Admin.) (Entered: 06/05/2015)
06/16/2015	<u>288</u> (2 pgs)	Notice of Appearance and Request for Notice by Michael A. Paris with certificate of service filed by Creditor The Patriot Group, LLC (Paris, Michael) (Entered: 06/16/2015)
08/19/2015	<u>289</u> (1 pg)	Substitution of Attorney Jordan Wilcox for Attorney Amy N. Azza. For a full list of cases please refer to Case 09-17064 Doc # 191. (ADI) (Entered: 08/19/2015)

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		08/19/2015)
09/23/2015	<u>290</u> (1 pg)	Notice of Withdrawal of Appearance/Representation of <i>Christopher J. Panos</i> filed by Interested Parties Costanzo Fustolo, Elisa Fustolo, Steven E. Robinson (Panos, Christopher) (Entered: 09/23/2015)
09/29/2015	<u>291</u> (1 pg)	Notice of Appearance and Request for Notice by William R. Moorman Jr. filed by Interested Parties Costanzo Fustolo, Elisa Fustolo, Steven E. Robinson (Moorman, William) (Entered: 09/29/2015)
11/02/2015	<u>292</u> (2 pgs)	Notice of Appearance and Request for Notice by Katherine Mayer with certificate of service filed by Creditor The Patriot Group, LLC (Mayer, Katherine) (Entered: 11/02/2015)
12/01/2015		Disposition of Adversary. Adversary Number 15-1015 Dismissed. (Ikaine, Usbc) (Entered: 12/01/2015)
12/01/2015		Adversary Case 1:15-ap-1015 Closed . (Ikaine, Usbc) (Entered: 12/01/2015)
02/05/2016	<u>293</u> (36 pgs; 6 docs)	Motion filed by Creditor HSBC Bank USA N.A for Relief from Stay Re: 115 Salem Street Unit #14, Boston, MA 02113 Fee Amount \$176, Objections due by 02/19/2016. (Attachments: # <u>1</u> Proposed Order # <u>2</u> Mortgage # <u>3</u> Assignment # <u>4</u> Note # <u>5</u> Certificate of Service) (Larson, Timothy) (Entered: 02/05/2016)
02/08/2016		Receipt of filing fee for Motion for Relief From Stay(13-12692) [motion,mrlfsty] ( 176.00). Receipt Number 15297085, amount \$ 176.00 (re: Doc# <u>293</u> ) (U.S. Treasury) (Entered: 02/08/2016)
02/22/2016	<u>294</u> (2 pgs)	Order dated 2/22/2016 Re: <u>293</u> Motion filed by Creditor HSBC Bank USA N.A for Relief from Stay Re: 115 Salem Street Unit #14, Boston, MA 02113. GRANTED. See Order for Full Text. (Ikaine, Usbc) (Entered: 02/22/2016)
02/24/2016	<u>295</u> (4 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>294</u> Order on Motion For Relief From Stay) Notice Date 02/24/2016. (Admin.) (Entered: 02/25/2016)
02/24/2016	<u>296</u> (1 pg)	Judgment By First Circuit Court of Appeals Judges Torruella and Kayatta Re: First Circuit Number: 15-1340, Re: District Court: 14-10248, Affirming <u>60</u> Order on <u>35</u> Motion for Summary Judgment Re: <u>71</u> Notice of Appeal. (sas) (Entered: 03/04/2016)
04/04/2016	<u>297</u> (3 pgs)	Motion filed by Jager Smith P.C. to Withdraw as Attorneys for Creditor 50 Thomas Patton Drive LLC with certificate of service. (Horne, Jonathan) (Entered: 04/04/2016)
04/05/2016	<u>298</u> (1 pg)	Endorsed Order dated 4/5/2016 Re: <u>297</u> Motion filed by Jager Smith P.C. to Withdraw as Attorneys for Creditor 50 Thomas Patton Drive LLC. ALLOWED. (Ikaine, Usbc) (Entered: 04/05/2016)
04/07/2016	<u>299</u> (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>298</u> Order on Motion to Withdraw as Attorney) Notice Date 04/07/2016. (Admin.) (Entered: 04/08/2016)



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04/19/2016	<u>300</u> (2 pgs)	Notice of Withdrawal of Appearance/Representation by <i>Jager Smith P.C. attorneys Michael J. Fencer, Howard P. Blatchford, Jr, and Jonathan M. Horne</i> filed by Creditor 50 Thomas Patton Drive LLC (Horne, Jonathan) (Entered: 04/19/2016)
05/12/2016	<u>301</u> (3 pgs)	Motion filed by Jonathan Horne to Withdraw as Attorney for Creditor Richard Mayer with certificate of service. (Horne, Jonathan) (Entered: 05/12/2016)
05/27/2016	<u>302</u> (1 pg)	Endorsed Order dated 5/27/2016 Re: <u>301</u> Motion filed by Jonathan Horne to Withdraw as Attorney for Creditor Richard Mayer. ALLOWED. (lkaine, Usbc) (Entered: 05/27/2016)
05/29/2016	<u>303</u> (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>302</u> Order on Motion to Withdraw as Attorney) Notice Date 05/29/2016. (Admin.) (Entered: 05/30/2016)
09/23/2016	<u>304</u> (47 pgs; 2 docs)	Motion filed by Trustee Harold B. Murphy to Approve Compromise Under Rule 9019 with certificate of service. (Attachments: # <u>1</u> Exhibit Stipulation of Settlement) (Fencer, Michael) (Entered: 09/23/2016)
09/23/2016	<u>305</u> (1 pg)	Endorsed Order dated 9/23/2016 Re: <u>304</u> Motion filed by Trustee Harold B. Murphy to Approve Compromise Under Rule 9019. THE REQUEST TO LIMIT NOTICE CONTAINED HEREIN IS GRANTED. (jlavally, usbc) (Entered: 09/23/2016)
09/25/2016	<u>306</u> (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>305</u> Order on Motion to Compromise) Notice Date 09/25/2016. (Admin.) (Entered: 09/26/2016)
09/27/2016	<u>307</u> (1 pg)	Hearing Scheduled for 11/2/2016 at 10:30 AM at Boston Courtroom 1, 12th Floor, 5 Post Office Square, Boston, MA 02109 Re: <u>304</u> Motion filed by Trustee Harold B. Murphy to Approve Compromise Under Rule 9019. Objections due by 10/18/2016 at 04:30 PM. (pd) (Entered: 09/27/2016)
09/28/2016	<u>308</u> (5 pgs)	Certificate of Service of Notice of Hearing Re: <u>304</u> Motion to Compromise. (Horne, Jonathan) (Entered: 09/28/2016)
10/18/2016	<u>309</u> (11 pgs)	Limited Brief/Memorandum In Opposition to <i>Ch. 7 Trustee's Motion for Approval of Settlement</i> (Re: <u>304</u> Motion to Compromise) filed by Creditor The Patriot Group, LLC (Siegal, Jack) (Entered: 10/18/2016)
10/31/2016	<u>310</u> (6 pgs)	Reply in Further Support of Trustee's Motion to Approve Compromise and in Response to Limited Objection with certificate of service filed by Trustee Harold B. Murphy Re: <u>304</u> Motion filed by Trustee Harold B. Murphy to Approve Compromise Under Rule 9019 with certificate of service. (Fencer, Michael) (Entered: 10/31/2016)
11/02/2016	<u>311</u> (1 pg)	Order dated 11/2/2016 Re: <u>304</u> Motion filed by Trustee Harold B. Murphy to Approve Compromise Under Rule 9019. HEARING HELD. FOR THE REASONS STATED ON THE RECORD, THE MOTION IS GRANTED. (lkaine, Usbc) (Entered: 11/02/2016)
11/02/2016		Transcript Requested by David Nickless. Transcriptionist awaiting payment. (eScribers, LLC) (Entered: 11/02/2016)

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11/03/2016		Transcript Ordered and Acknowledged. Requested by David Nickless and payment received. The expected completion date is 11/04/16. (eScribers, LLC) (Entered: 11/03/2016)
11/04/2016	<u>312</u> (38 pgs)	An official transcript (RE: <u>304</u> Motion filed by Trustee Harold B. Murphy to Approve Compromise Under Rule 9019 with certificate of service., <u>309</u> Limited Brief/Memorandum In Opposition to <i>Ch. 7 Trustee's Motion for Approval of Settlement</i> (Re: <u>304</u> Motion to Compromise) filed by Creditor The Patriot Group, LLC, <u>310</u> Reply in Further Support of Trustee's Motion to Approve Compromise and in Response to Limited Objection with certificate of service filed by Trustee Harold B. Murphy Re: <u>304</u> Motion filed by Trustee Harold B. Murphy to Approve Compromise Under Rule 9019 with certificate of service.) heard on 11/02/16 has been filed. Pursuant to Judicial Conference Policy, electronic access to transcripts is restricted for 90 days from the date of filing. The transcript is available for inspection at the Clerk's Office or a copy may be purchased from the transcriber. Contact the ECR Operator for transcriber information. Parties have until 11/25/2016 to file a Request for Redaction with the Court. If no request is filed, the transcript may be made available electronically on 02/3/2017. (eScribers, LLC) (Entered: 11/04/2016)
11/04/2016	<u>313</u> (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>311</u> Order on Motion to Compromise) Notice Date 11/04/2016. (Admin.) (Entered: 11/05/2016)
11/05/2016	<u>314</u> (1 pg)	Notice of Filing of Official Transcript. Notice is hereby given that an official transcript has been filed. Pursuant to the Judicial Conference policy governing public access to transcripts of federal court proceedings, transcripts are not electronically available(online) until 90 days after filing but may be inspected by clerk's office or purchased from the court transcriber during the 90-day period. (ADI) (Entered: 11/07/2016)
11/09/2016	<u>315</u> (3 pgs)	BNC Certificate of Mailing. (Re: <u>314</u> Notice of Filing of Official Transcript) Notice Date 11/09/2016. (Admin.) (Entered: 11/10/2016)
11/14/2016	<u>316</u> (56 pgs; 2 docs)	Application filed by Trustee Harold B. Murphy to Employ Verdolino & Lowey, P.C. as Accountant filed with Affidavit along with certificate of service. (Attachments: # <u>1</u> Declaration of Electronic Filing) (O'Neil, Michael) (Entered: 11/14/2016)
11/15/2016	<u>317</u> (1 pg)	Declaration Re: Electronic Filing (Re: <u>316</u> Application to Employ) filed by Trustee Harold B. Murphy (O'Neil, Michael) (Entered: 11/15/2016)
11/29/2016	<u>318</u> (1 pg)	Endorsed Order dated 11/29/2016 Re: <u>316</u> Application filed by Trustee Harold B. Murphy to Employ Verdolino & Lowey, P.C. as Accountant. APPLICATION GRANTED. (Ikaine, Usbc) (Entered: 11/29/2016)
12/01/2016	<u>319</u> (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>318</u> Order on Application to Employ) Notice Date 12/01/2016. (Admin.) (Entered: 12/02/2016)
12/02/2016	<u>320</u> (3 pgs)	Objection to Claim 1 of Claimant Wynn Las Vegas, LLC D/B/A Wynn Las Vegas. filed by Trustee Harold B. Murphy. (O'Neil, Michael) (Entered: 12/02/2016)
12/02/2016	<u>321</u> (3 pgs)	Objection to Claim 7 of Claimant Richard Mayer. filed by Trustee Harold B. Murphy. (O'Neil, Michael) (Entered: 12/02/2016)



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12/02/2016	<u>322</u> (4 pgs)	Objection to Claim 8 of Claimant Jodi DiLorenzo, individually and as Trustee of 527 Revere Beach Blvd. Trust. filed by Trustee Harold B. Murphy. (O'Neil, Michael) (Entered: 12/02/2016)
12/02/2016	<u>323</u> (7 pgs)	Objection to Claim 9 of Claimant Estate of Isaac Martinez. filed by Trustee Harold B. Murphy. (O'Neil, Michael) (Entered: 12/02/2016)
12/02/2016	<u>324</u> (4 pgs)	Objection to Claim 4 of Claimant Winchester Savings Bank. filed by Trustee Harold B. Murphy. (O'Neil, Michael) (Entered: 12/02/2016)
12/05/2016	<u>325</u> (1 pg)	Hearing Scheduled for 1/9/2017 at 10:00 AM at Boston Courtroom 1, 12th Floor, 5 Post Office Square, Boston, MA 02109 Re: <u>320</u> Objection to Proof of Claim #1 of Claimant Wynn Las Vegas, LLC D/B/A Wynn Las Vegas filed by Trustee Harold B. Murphy. Responses due by 1/5/2017 at 04:30 PM. (pd) (Entered: 12/05/2016)
12/05/2016	<u>326</u> (1 pg)	Hearing Scheduled for 1/9/2017 at 10:00 AM at Boston Courtroom 1, 12th Floor, 5 Post Office Square, Boston, MA 02109 Re: <u>321</u> Objection to Proof of Claim #7 of Claimant Richard Mayer filed by Trustee Harold B. Murphy. Responses due by 1/5/2017 at 04:30 PM. (pd) (Entered: 12/05/2016)
12/05/2016	<u>327</u> (1 pg)	Hearing Scheduled for 1/9/2017 at 10:00 AM at Boston Courtroom 1, 12th Floor, 5 Post Office Square, Boston, MA 02109 Re: <u>322</u> Objection to Proof of Claim #8 of Claimant Jodi DiLorenzo, individually and as Trustee of 527 Revere Beach Blvd. Trust filed by Trustee Harold B. Murphy. Responses due by 1/5/2017 at 04:30 PM. (pd) (Entered: 12/05/2016)
12/05/2016	<u>328</u> (1 pg)	Hearing Scheduled for 1/9/2017 at 10:00 AM at Boston Courtroom 1, 12th Floor, 5 Post Office Square, Boston, MA 02109 Re: <u>323</u> Objection to Proof of Claim #9 of Claimant Estate of Isaac Martinez filed by Trustee Harold B. Murphy. Responses due by 1/5/2017 at 04:30 PM. (pd) (Entered: 12/05/2016)
12/05/2016	<u>329</u> (1 pg)	Hearing Scheduled for 1/9/2017 at 10:00 AM at Boston Courtroom 1, 12th Floor, 5 Post Office Square, Boston, MA 02109 Re: <u>324</u> Objection to Proof of Claim #4 of Claimant Winchester Savings Bank filed by Trustee Harold B. Murphy. Responses due by 1/5/2017 at 04:30 PM. (pd) (Entered: 12/05/2016)
12/05/2016	<u>330</u> (3 pgs)	Certificate of Service (Re: <u>324</u> Objection to Claim, <u>329</u> Hearing Scheduled) filed by Trustee Harold B. Murphy (O'Neil, Michael) (Entered: 12/05/2016)
12/05/2016	<u>331</u> (3 pgs)	Certificate of Service (Re: <u>323</u> Objection to Claim, <u>328</u> Hearing Scheduled) filed by Trustee Harold B. Murphy (O'Neil, Michael) (Entered: 12/05/2016)
12/05/2016	<u>332</u> (3 pgs)	Certificate of Service (Re: <u>322</u> Objection to Claim, <u>327</u> Hearing Scheduled) filed by Trustee Harold B. Murphy (O'Neil, Michael) (Entered: 12/05/2016)
12/05/2016	<u>333</u> (3 pgs)	Certificate of Service (Re: <u>320</u> Objection to Claim, <u>325</u> Hearing Scheduled) filed by Trustee Harold B. Murphy (O'Neil, Michael) (Entered: 12/05/2016)

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		12/05/2016)
12/05/2016	<u>334</u> (3 pgs)	Certificate of Service (Re: <u>321</u> Objection to Claim, <u>326</u> Hearing Scheduled) filed by Trustee Harold B. Murphy (O'Neil, Michael) (Entered: 12/05/2016)
12/06/2016		Disposition of Adversary. Adversary Number 14-01222 Dismissed. (Ikaine, Usbc) (Entered: 12/06/2016)
12/09/2016	<u>335</u> (1 pg)	Notice of Appearance and Request for Notice(s) with Certificate of Service filed by The Patriot Group, LLC. (webclaimusr) (Entered: 12/09/2016)
12/15/2016	<u>336</u> (5 pgs; 2 docs)	Motion filed by David Himelfarb on behalf of Jeffrey T. Testa to Appear pro hac vice for Creditor The Patriot Group, LLC. (Attachments: # <u>1</u> Certification) (Himelfarb, David) (Entered: 12/15/2016)
12/15/2016	<u>337</u> (2 pgs)	Notice of Appearance and Request for Notice by David Himelfarb filed by Creditor The Patriot Group, LLC (Himelfarb, David) (Entered: 12/15/2016)
12/16/2016	<u>338</u> (1 pg)	Notice of Fee Due (Pro Hac Vice) issued to Jeffrey T. Testa representing The Patriot Group LLC. PHV Fee Due 12/27/2016 Re: <u>336</u> Motion to Appear pro hac vice filed by Creditor The Patriot Group, LLC. (Ikaine, Usbc) (Entered: 12/16/2016)
12/16/2016		Receipt Number 13592-1481823224, Fee Amount \$100.00 Re: <u>338</u> Notice of Fee Due (Pro Hac Vice). (Ikaine, Usbc) (Entered: 12/16/2016)
12/16/2016	<u>339</u> (1 pg)	Endorsed Order dated 12/16/2016 Re: <u>336</u> Motion filed by David Himelfarb on behalf of Jeffrey T. Testa to Appear pro hac vice for Creditor The Patriot Group, LLC. ALLOWED. (Ikaine, Usbc) (Entered: 12/16/2016)
12/18/2016	<u>340</u> (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>339</u> Order on Motion to Appear pro hac vice) Notice Date 12/18/2016. (Admin.) (Entered: 12/19/2016)
12/21/2016	<u>341</u> (2 pgs)	Notice of Appearance and Request for Notice by Jeffrey Testa filed by Creditor The Patriot Group, LLC (Testa, Jeffrey) (Entered: 12/21/2016)
12/29/2016	<u>342</u> (1 pg)	Court's Notice of Deficiency (POC) to Winchester Savings Bank Re: Proof of Claim # 4 (bt) (Entered: 12/29/2016)
12/29/2016	<u>343</u> (1 pg)	Court Certificate of Mailing. (Re: <u>342</u> Court's Notice of Deficiency (POC)) (bt) (Entered: 12/29/2016)
01/06/2017	<u>344</u> (1 pg)	Order dated 1/6/17 Re: <u>320</u> Objection to Claim 1 of Claimant Wynn Las Vegas, LLC. THERE BEING PROPER NOTICE, AN OPPORTUNITY FOR A HEARING, AND NO RESPONSE, THE TRUSTEE'S OBJECTION IS SUSTAINED. THE HEARING SCHEDULED FOR JANUARY 9, 2017 IS CANCELED. (Ikaine, Usbc) (Entered: 01/06/2017)
01/06/2017	<u>345</u> (1 pg)	Order dated 1/6/17 Re: <u>321</u> Objection to Claim 7 of Claimant Richard Mayer. THERE BEING PROPER NOTICE, AN OPPORTUNITY FOR A HEARING, AND NO RESPONSE, THE TRUSTEE'S OBJECTION IS



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		SUSTAINED. THE HEARING SCHEDULED FOR JANUARY 9, 2017 IS CANCELED. (lkaine, Usbc) (Entered: 01/06/2017)
01/06/2017	<u>346</u> (1 pg)	Order dated 1/6/17 Re: <u>322</u> Objection to Claim 8 of Claimant Jodi DiLorenzo, individually and as Trustee of 527 Revere Beach Blvd. Trust. THERE BEING PROPER NOTICE, AN OPPORTUNITY FOR A HEARING, AND NO RESPONSE, THE TRUSTEE'S OBJECTION IS SUSTAINED. THE HEARING SCHEDULED FOR JANUARY 9, 2017 IS CANCELED. (lkaine, Usbc) (Entered: 01/06/2017)
01/06/2017	<u>347</u> (1 pg)	Order dated 1/6/17 Re: <u>323</u> Objection to Claim 9 of Claimant Estate of Isaac Martinez. THERE BEING PROPER NOTICE, AN OPPORTUNITY FOR A HEARING, AND NO RESPONSE, THE TRUSTEE'S OBJECTION IS SUSTAINED. THE HEARING SCHEDULED FOR JANUARY 9, 2017 IS CANCELED. (lkaine, Usbc) (Entered: 01/06/2017)
01/06/2017	<u>348</u> (1 pg)	Order dated 1/6/17 Re: <u>324</u> Objection to Claim 4 of Claimant Winchester Savings Bank. THERE BEING PROPER NOTICE, AN OPPORTUNITY FOR A HEARING, AND NO RESPONSE, THE TRUSTEE'S OBJECTION IS SUSTAINED. THE HEARING SCHEDULED FOR JANUARY 9, 2017 IS CANCELED. (lkaine, Usbc) (Entered: 01/06/2017)
01/08/2017	<u>349</u> (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>344</u> Order) Notice Date 01/08/2017. (Admin.) (Entered: 01/09/2017)
01/08/2017	<u>350</u> (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>345</u> Order) Notice Date 01/08/2017. (Admin.) (Entered: 01/09/2017)
01/08/2017	<u>351</u> (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>346</u> Order) Notice Date 01/08/2017. (Admin.) (Entered: 01/09/2017)
01/08/2017	<u>352</u> (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>347</u> Order) Notice Date 01/08/2017. (Admin.) (Entered: 01/09/2017)
01/08/2017	<u>353</u> (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>348</u> Order) Notice Date 01/08/2017. (Admin.) (Entered: 01/09/2017)
01/19/2017	<u>354</u> (3 pgs)	Withdrawal with certificate of service of <i>Proof of Claim #10</i> filed by Creditor Winchester Savings Bank (Shapiro, Jordan) (Entered: 01/19/2017)
01/19/2017	<u>355</u> (1 pg)	Order dated 1/19/17 Re: <u>354</u> Withdrawal of Proof of Claim #10 filed by Creditor Winchester Savings Bank. THE WITHDRAWAL OF THIS CLAIM IS OF NO CONSEQUENCE BECAUSE ON JANUARY 6, 2017, THIS COURT SUSTAINED THE CHAPTER 7 TRUSTEE'S OBJECTION TO THE CLAIM OF WINCHESTER SAVINGS BANK. (lkaine, Usbc) (Entered: 01/19/2017)
01/21/2017	<u>356</u> (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>355</u> Order) Notice Date 01/21/2017. (Admin.) (Entered: 01/22/2017)
02/13/2017	<u>357</u> (2 pgs)	Notice of Withdrawal of Appearance/Representation filed by Creditor The Patriot Group, LLC (Paris, Michael) (Entered: 02/13/2017)
04/24/2017	<u>358</u> (11 pgs; 2 docs)	Motion filed by Trustee Harold B. Murphy for Authority to make Interim Distribution to Creditors. (Attachments: # <u>1</u> Exhibit A through B) (O'Neil,

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		Michael) (Entered: 04/24/2017)
04/24/2017	<u>359</u> (12 pgs; 2 docs)	First Interim Application for Compensation of Trustee Harold Murphy, Fee: \$20,000. (Attachments: # <u>1</u> Exhibit A through B) (O'Neil, Michael) (Entered: 04/24/2017)
04/24/2017	<u>360</u> (41 pgs; 2 docs)	First Interim Application for Compensation and Reimbursement of Expenses for Murphy & King, P.C., Special Counsel, Period: 12/19/2013 to 2/28/2017, Fee: \$86,310.50, Expenses: \$2,971.64. (Attachments: # <u>1</u> Exhibit A through I) (O'Neil, Michael) (Entered: 04/24/2017)
04/24/2017	<u>361</u> (36 pgs; 2 docs)	Final Application for Compensation and Reimbursement of Expenses for Jager Smith P.C., Special Counsel, Period: 11/12/2014 to 10/31/2016, Fee: \$119,850.50, Expenses: \$2,827.77. (Attachments: # <u>1</u> Exhibit A through E) (O'Neil, Michael) (Entered: 04/24/2017)
04/24/2017	<u>362</u> (3 pgs)	Certificate of Service (Re: <u>358</u> Motion to Disburse, <u>359</u> Application for Compensation, <u>360</u> Application for Compensation, <u>361</u> Application for Compensation) filed by Trustee Harold B. Murphy (O'Neil, Michael) (Entered: 04/24/2017)
05/01/2017	<u>363</u> (1 pg)	Hearing Scheduled on 5/30/2017 at 11:15 AM at Boston Courtroom 1, 12th Floor, 5 Post Office Square, Boston, MA 02109 Re: <u>358</u> Motion filed by Trustee Harold B. Murphy for Authority to Make Interim Distribution to Creditors. Objections due by 5/23/2017 at 04:30 PM. (pd) (Entered: 05/01/2017)
05/01/2017	<u>364</u> (1 pg)	Hearing Scheduled on 5/30/2017 at 11:15 AM at Boston Courtroom 1, 12th Floor, 5 Post Office Square, Boston, MA 02109 Re: <u>359</u> First Interim Application for Compensation of Trustee Harold Murphy, Fee: \$20,000. Objections due by 5/23/2017 at 04:30 PM. (pd) (Entered: 05/01/2017)
05/01/2017	<u>365</u> (1 pg)	Hearing Scheduled on 5/30/2017 at 11:15 AM at Boston Courtroom 1, 12th Floor, 5 Post Office Square, Boston, MA 02109 Re: <u>360</u> First Interim Application for Compensation and Reimbursement of Expenses for Murphy & King, P.C., Special Counsel, Period: 12/19/2013 to 2/28/2017, Fee: \$86,310.50, Expenses: \$2,971.64. Objections due by 5/23/2017 at 04:30 PM. (pd) (Entered: 05/01/2017)
05/01/2017	<u>366</u> (1 pg)	Hearing Scheduled on 5/30/2017 at 11:15 AM at Boston Courtroom 1, 12th Floor, 5 Post Office Square, Boston, MA 02109 Re: <u>361</u> Final Application for Compensation and Reimbursement of Expenses for Jager Smith P.C., Special Counsel, Period: 11/12/2014 to 10/31/2016, Fee: \$119,850.50, Expenses: \$2,827.77. Objections due by 5/23/2017 at 04:30 PM. (pd) (Entered: 05/01/2017)
05/01/2017	<u>367</u> (9 pgs)	Certificate of Service of Notice of Hearing (Re: <u>358</u> Motion to Disburse, <u>359</u> Application for Compensation, <u>360</u> Application for Compensation, <u>361</u> Application for Compensation) filed by Trustee Harold B. Murphy (O'Neil, Michael) (Entered: 05/01/2017)
05/30/2017	<u>368</u> (1 pg)	Order dated 5/30/2017 Re: <u>358</u> Motion filed by Trustee Harold B. Murphy for Authority to make Interim Distribution to Creditors. HEARING HELD. NO OBJECTIONS HAVING BEEN FILED AND FOR THE REASONS STATED ON THE RECORD, THE MOTION IS GRANTED. (Ikaine, Usbe) (Entered: 05/30/2017)



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05/30/2017	<u>369</u> (1 pg)	Order dated 5/30/2017 Re: <u>359</u> First Interim Application for Compensation of Trustee Harold Murphy, Fee: \$20,000. HEARING HELD. NO OBJECTIONS HAVING BEEN FILED AND FOR THE REASONS STATED ON THE RECORD, THE FIRST INTERIM APPLICATION FOR COMPENSATION OF CHAPTER 7 TRUSTEE IS ALLOWED AS AN INTERIM ORDER IN THE AMOUNT REQUESTED. (lkaine, Usbc) (Entered: 05/30/2017)
05/30/2017	<u>370</u> (1 pg)	Order dated 5/30/2017 Re: <u>360</u> First Interim Application for Compensation and Reimbursement of Expenses for Murphy & King, P.C., Special Counsel, Period: 12/19/2013 to 2/28/2017, Fee: \$86,310.50, Expenses: \$2,971.64. HEARING HELD. NO OBJECTIONS HAVING BEEN FILED AND FOR THE REASONS STATED ON THE RECORD, THE FIRST INTERIM APPLICATION FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES FOR MURPHY & KING, P.C. IS ALLOWED AS AN INTERIM ORDER IN THE AMOUNTS REQUESTED. (lkaine, Usbc) (Entered: 05/30/2017)
05/30/2017	<u>371</u> (1 pg)	Order dated 5/30/2017 Re: <u>361</u> Final Application for Compensation and Reimbursement of Expenses for Jager Smith P.C., Special Counsel, Period: 11/12/2014 to 10/31/2016, Fee: \$119,850.50, Expenses: \$2,827.77. HEARING HELD. NO OBJECTIONS HAVING BEEN FILED AND FOR THE REASONS STATED ON THE RECORD, THE FINAL APPLICATION FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES FOR JAGER SMITH, P.C. IS ALLOWED AS A FINAL ORDER IN THE AMOUNTS REQUESTED. A SEPARATE ORDER WAS ENTERED. (lkaine, Usbc) (Entered: 05/30/2017)
05/30/2017	<u>372</u> (2 pgs)	Order dated 5/30/17 Re: <u>361</u> Application for Compensation filed by Special Counsel Jager Smith P.C. See Order for Full Text. (lkaine, Usbc) (Entered: 05/30/2017)
06/01/2017	<u>373</u> (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>368</u> Order on Motion to Disburse) Notice Date 06/01/2017. (Admin.) (Entered: 06/02/2017)
06/01/2017	<u>374</u> (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>369</u> Order on Application for Compensation) Notice Date 06/01/2017. (Admin.) (Entered: 06/02/2017)
06/01/2017	<u>375</u> (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>370</u> Order on Application for Compensation) Notice Date 06/01/2017. (Admin.) (Entered: 06/02/2017)
06/01/2017	<u>376</u> (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>371</u> Order on Application for Compensation) Notice Date 06/01/2017. (Admin.) (Entered: 06/02/2017)
06/01/2017	<u>377</u> (4 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>372</u> Order) Notice Date 06/01/2017. (Admin.) (Entered: 06/02/2017)
04/04/2018		Attorney Tatyana P. Tabachnik is substituted for Attorney Timothy Larson. See Order entered on 4/4/2018 in MP 18-00101 -JNF (ADI) (Entered: 04/05/2018)
08/16/2018	<u>378</u> (63 pgs; 7 docs)	Motion filed by Creditor The Patriot Group, LLC for Clarification Regarding the Bankruptcy Stay with certificate of service. (Attachments: #

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		<u>1</u> Exhibit A # <u>2</u> Exhibit B # <u>3</u> Exhibit C # <u>4</u> Exhibit D # <u>5</u> Exhibit E # <u>6</u> Exhibit F) (Siegal, Jack) (Entered: 08/16/2018)
08/20/2018	<u>379</u> (1 pg)	Order dated 8/20/2018 Re: <u>378</u> Motion filed by Creditor The Patriot Group, LLC for Clarification Regarding the Bankruptcy Stay . ANY OBJECTIONS OR RESPONSES TO THE MOTION SHALL BE FILED BY 08/30/18. THEREAFTER, THE COURT WILL RULE ON THE PAPERS. THE MOVANT SHALL SERVE A COPY OF THIS ORDER ON ALL PARTIES IN INTEREST AND FILE A CERTIFICATE OF SERVICE BY 08/21/18. (meh, Usbc) (Entered: 08/20/2018)
08/21/2018	<u>380</u> (4 pgs)	Certificate of Service (Re: <u>379</u> Order on Motion to Clarify) filed by Creditor The Patriot Group, LLC (Siegal, Jack) (Entered: 08/21/2018)
08/22/2018	<u>381</u> (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>379</u> Order on Motion to Clarify) Notice Date 08/22/2018. (Admin.) (Entered: 08/23/2018)
08/30/2018	<u>382</u> (32 pgs)	Opposition with certificate of service filed by Debtor Steven C. Fustolo Re: <u>378</u> Motion filed by Creditor The Patriot Group, LLC to Clarify with certificate of service. (Moorman, William) (Entered: 08/30/2018)
09/11/2018	<u>383</u> (1 pg)	Hearing Scheduled for 9/18/2018 at 01:00 PM at Boston Courtroom 1, 12th Floor, 5 Post Office Square, Boston, MA 02109 Re: <u>378</u> Motion filed by Creditor The Patriot Group, LLC for Clarification Regarding the Bankruptcy Stay. (pd) (Entered: 09/11/2018)
09/13/2018	<u>384</u> (4 pgs)	Certificate of Service of Notice of Hearing (Re: <u>378</u> Motion to Clarify) filed by Creditor The Patriot Group, LLC (Siegal, Jack) (Entered: 09/13/2018)
09/18/2018	<u>385</u> (1 pg)	Order dated 9/18/2018 Re: <u>378</u> Motion filed by Creditor The Patriot Group, LLC for Clarification Regarding the Bankruptcy Stay. HEARING HELD. THE COURT CLARIFIED ON THE RECORD THAT THE AUTOMATIC STAY DOES NOT APPLY TO THE SO-CALLED ZEIZEL ACTION. THE COURT CLARIFIED AND RULED THAT THE SO-CALLED CONTEMPT ACTION CURRENTLY PENDING IN MIDDLESEX SUPERIOR COURT IS STAYED PENDING FURTHER ORDER OF THIS COURT. THE COURT DENIED THE MOVANT'S ALTERNATIVE REQUEST FOR RELIEF FROM STAY WITHOUT PREJUDICE TO SEEKING RELIEF FROM THE STAY TO PROCEED WITH THE CONTEMPT ACTION IN THE EVENT THE MOVANT OBTAINS A FAVORABLE JUDGMENT IN ADV. PRO. NO. 14-1193. (meh, Usbc) (Entered: 09/18/2018)
09/20/2018	<u>386</u> (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>385</u> Order on Motion to Clarify) Notice Date 09/20/2018. (Admin.) (Entered: 09/21/2018)
09/27/2018	<u>387</u> (1 pg)	Order dated 9/27/2018 Re: <u>378</u> Motion filed by Creditor The Patriot Group, LLC for Clarification Regarding the Bankruptcy Stay. SEE ORDER FOR FULL TEXT. (rcontompasis, usbc) (Entered: 09/27/2018)
09/27/2018	<u>388</u> (1 pg)	Order dated 9/27/2018 Re: <u>378</u> Motion filed by Creditor The Patriot Group, LLC for Clarification Regarding the Bankruptcy Stay. SEE ORDER FOR FULL TEXT. (rcontompasis, usbc) (Entered: 09/27/2018)
09/29/2018	<u>389</u>	BNC Certificate of Mailing - PDF Document. (Re: <u>387</u> Order) Notice



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	(3 pgs)	Date 09/29/2018. (Admin.) (Entered: 09/30/2018)
09/29/2018	<u>390</u> (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>388</u> Order) Notice Date 09/29/2018. (Admin.) (Entered: 09/30/2018)
03/07/2019	<u>391</u> (1 pg)	Notice of Denial of Discharge in Adversary #: 14-1193 . (rcontompasis, usbc) (Entered: 03/07/2019)
03/09/2019	<u>392</u> (4 pgs)	BNC Certificate of Mailing. (Re: <u>391</u> Notice Denying Discharge) Notice Date 03/09/2019. (Admin.) (Entered: 03/10/2019)
05/01/2019	<u>393</u> (8 pgs; 2 docs)	Notice Of Intent To Abandon Personal Property filed by Trustee Harold B. Murphy (Attachments: # <u>1</u> Certificate of Service) (Cruickshank, Kathleen) (Entered: 05/01/2019)
05/14/2019	<u>394</u> (1 pg)	Notice of Withdrawal of Appearance/Representation filed by Michael K. O'Neil. (O'Neil, Michael) (Entered: 05/14/2019)
05/17/2019		By Order of Chief Judge Christopher J. Panos this case is reassigned to Chief Judge Christopher J. Panos. (ADI) (Entered: 05/17/2019)
05/28/2019	<u>395</u> (1 pg)	Order dated 5/28/2019 Re: <u>1</u> Chapter 7 Involuntary Petition. I HEREBY RECUSE MYSELF FROM THIS CASE. PURSUANT TO MLBR 5001-1(D), THE CLERK SHALL REASSIGN THIS CASE TO ANOTHER JUDGE OF THIS COURT. (rcontompasis, usbc) (Entered: 05/28/2019)
05/28/2019		Judge Frank J. Bailey added to case. Involvement of Judge Christopher J. Panos Terminated. (sl) (Entered: 05/28/2019)
05/30/2019	<u>396</u> (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>395</u> Order) Notice Date 05/30/2019. (Admin.) (Entered: 05/31/2019)
05/31/2019		Adversary Case 1:14-ap-1222 Closed. (sl) (Entered: 05/31/2019)
09/27/2019		By Order of Chief Judge Christopher J. Panos this case is reassigned to Bankruptcy Judge Janet E. Bostwick. (ADI) (Entered: 09/27/2019)
10/17/2019	<u>397</u> (3 pgs)	Notice of Appearance and Request for Notice by Richard T. Mulligan with certificate of service filed by Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper (Mulligan, Richard) (Entered: 10/17/2019)
06/23/2020	<u>398</u> (51 pgs; 4 docs)	Chapter 7 Trustee's Final Report, Application for Compensation and Application(s) for Compensation of Professionals filed on behalf of Trustee. The United States Trustee has reviewed the Chapter 7 Trustee's Final Report and has no objection to the above request for commission and/or compensation and to final distribution being made after commission and fees have been approved by Order of this Court. (Attachments: # <u>1</u> Exhibit Notice of Final Report (NFR) # <u>2</u> Proposed Order # <u>3</u> Certificate of Review) (UST-B1, MAJ) (Entered: 06/23/2020)
06/23/2020	<u>399</u> (13 pgs)	Application for Compensation filed by the US Trustee for Harold B. Murphy, Trustee Chapter 7, Period: to, Fee: \$3,681.66, Expenses: \$0.00. (UST-B1) (Entered: 06/23/2020)

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06/23/2020	<u>400</u> (22 pgs)	Application for Compensation filed by the US Trustee for Harold B. Murphy, Trustee's Attorney, Period: to, Fee: \$7,410.00, Expenses: \$255.78. (UST-B1) (Entered: 06/23/2020)
06/23/2020	<u>401</u> (12 pgs)	Application for Compensation filed by the US Trustee for Craig R. Jalbert, Accountant, Period: to, Fee: \$4,655.50, Expenses: \$138.84. (UST-B1) (Entered: 06/23/2020)
06/30/2020	<u>402</u> (5 pgs)	Notice of Trustee's Final Report and Application for Compensation (NFR), TELEPHONIC HEARING Scheduled for 8/11/2020 at 09:45 AM at Boston Courtroom 3, 12th Floor, 5 Post Office Square, Boston, MA 02109 Re: <u>398</u> Trustee's Final Rpt/Acct-Asset filed by Trustee Harold B. Murphy. Objections due by 7/28/2020 at 04:30 PM. (bhendry, usbc) (Entered: 06/30/2020)
07/02/2020	<u>403</u> (8 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>402</u> Hearing Scheduled (Final Hearing)) Notice Date 07/02/2020. (Admin.) (Entered: 07/03/2020)
07/28/2020	<u>404</u> (4 pgs)	Notice of Debtor's Request for Mortgage Forbearance Due to the Covid-19 Pandemic for 180 days. Certificate of Service Filed. filed by Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper (Mulligan, Richard) (Entered: 07/28/2020)
08/11/2020	<u>405</u> (1 pg)	Order dated 8/11/2020 Re: <u>398</u> Trustee's Final Rpt/Acct-Asset filed by Trustee Harold B. Murphy. HEARING HELD. THE CHAPTER 7 TRUSTEE IS ORDERED TO FILE A SUPPLEMENT TO THE REPORT BY AUGUST 18, 2020 ADDRESSING THE STATUS OF THE FILING FEE DUE ON ADVERSARY PROCEEDING NO. 14-01222. (bhendry, usbc) (Entered: 08/11/2020)
08/13/2020	<u>406</u> (5 pgs)	Assented To Motion filed by Trustee Harold B. Murphy to Approve [Re: <u>407</u> Amended Trustee's Final Report] with certificate of service. (Murphy, Harold). (Entered: 08/13/2020)
08/13/2020	<u>407</u> (44 pgs)	Amended <i>Trustee's Final Report</i> (Re: <u>398</u> Trustee's Final Rpt/Acct-Asset) filed by Trustee Harold B. Murphy (Murphy, Harold) (Entered: 08/13/2020)
08/13/2020	<u>408</u> (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>405</u> Order) Notice Date 08/13/2020. (Admin.) (Entered: 08/14/2020)
08/18/2020	<u>409</u> (1 pg)	Endorsed Order dated 8/18/2020 Re: <u>406</u> Assented To Motion filed by Trustee Harold B. Murphy to Approve Re: <u>407</u> Amended Trustee's Final Report. ALLOWED. SEE SEPARATE ORDER. (bhendry, usbc) (Entered: 08/19/2020)
08/18/2020	<u>410</u> (1 pg)	Order dated 8/18/2020 Approving Final Report & Account Re: <u>407</u> Amended Document filed by Trustee Harold B. Murphy. THE TRUSTEE'S FINAL REPORT HAVING COME BEFORE THE COURT, A HEARING HAVING BEEN HELD ON AUGUST 11, 2020, AND THE TRUSTEE HAVING FILED AN AMENDED FINAL REPORT TO ADDRESS THE ISSUE RAISED AT THE HEARING, AND DUE CAUSE APPEARING THEREFOR, IT IS ORDERED: THAT THE TRUSTEE'S AMENDED FINAL REPORT AND ACCOUNT BEFORE DISTRIBUTION IS HEREBY APPROVED INCLUDING ALL REQUESTS FOR COMPENSATION AND EXPENSES SET FORTH



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		THEREIN AND THE OTHER ATTACHMENTS THERETO. (bhendry, usbc) (Entered: 08/19/2020)
08/21/2020	<u>411</u> (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>409</u> Order on Motion for Approval) Notice Date 08/21/2020. (Admin.) (Entered: 08/22/2020)
08/21/2020	<u>412</u> (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>410</u> Order Approving Final Report & Account) Notice Date 08/21/2020. (Admin.) (Entered: 08/22/2020)
09/01/2020	<u>413</u> (2 pgs)	Motion To Substitute Attorney Thomas J. Walsh for Richard T. Mulligan filed by Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper with certificate of service (Walsh, Thomas) (Entered: 09/01/2020)
09/02/2020	<u>414</u> (1 pg)	Endorsed Order dated 9/2/2020 Re: <u>413</u> Motion To Substitute Attorney Thomas J. Walsh for Richard T. Mulligan filed by Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper. ALLOWED. (rcontompasis, usbc) (Entered: 09/02/2020)
09/04/2020	<u>415</u> (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>414</u> Order on Motion To Substitute Attorney) Notice Date 09/04/2020. (Admin.) (Entered: 09/05/2020)
10/15/2020	<u>416</u> (4 pgs)	Notice of Debtor's Request for Mortgage Forbearance Due to the Covid-19 Pandemic for 180 days. Certificate of Service Filed. filed by Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper (Nizami, Zoh) (Entered: 10/15/2020)
10/19/2020	<u>417</u> (26 pgs; 4 docs)	Trustee's Final Report and Account After Distribution and Request for Discharge with UST Certificate of Review filed by US Trustee on behalf of Harold Murphy (Attachments: # <u>1</u> Zero Ending Bank Statement # <u>2</u> Proposed Order # <u>3</u> Certificate of Review) (UST-B1, MAJ) (Entered: 10/19/2020)
12/17/2020	<u>418</u> (1 pg)	Order Approving <u>417</u> Trustee's After Distribution Report filed by Trustee Harold B. Murphy. THE TRUSTEE'S FINAL REPORT AND ACCOUNT AFTER DISTRIBUTION HAVING BEEN SUBMITTED BY THE TRUSTEE TO THE UNITED STATES TRUSTEE, ALONG WITH ALL CANCELED CHECKS AND ENDING BANK STATEMENT(S) REFLECTING A ZERO (\$0) ENDING BALANCE IN ALL ESTATE ACCOUNTS, AND THE SAME HAVING INITIALLY BEEN REVIEWED BY THE UNITED STATES TRUSTEE WITHOUT OBJECTION; IT IS HEREBY ORDERED THAT THE TRUSTEE'S FINAL REPORT AND ACCOUNT AFTER DISTRIBUTION IS APPROVED, AND FURTHER THAT THE TRUSTEE IS DISCHARGED FROM HIS DUTIES HEREIN AS TRUSTEE. (Telam, Usbc) (Entered: 12/18/2020)
12/20/2020	<u>419</u> (4 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>418</u> Order) Notice Date 12/20/2020. (Admin.) (Entered: 12/21/2020)
01/28/2021	<u>420</u> (43 pgs; 3 docs)	Motion filed by Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper for Relief from Stay Re: 115 Salem St Apt 11, Boston, MA 02113 with certificate of service and proposed order Fee Amount \$188, Objections due by 02/11/2021. (Attachments: # <u>1</u> Proposed Order # <u>2</u> Exhibit) (Dolben, Joseph) (Entered: 01/28/2021)

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01/28/2021		Receipt of filing fee for Motion for Relief From Stay(13-12692) [motion,mrlfsty] ( 188.00). Receipt Number 19132625, amount \$ 188.00 (re: Doc# <u>420</u> ) (U.S. Treasury) (Entered: 01/28/2021)
03/03/2021	<u>421</u> (1 pg)	Order dated 3/3/2021 Re: <u>420</u> Motion filed by Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper for Relief from Stay Re: 115 Salem St Apt 11, Boston, MA 02113. THIS MATTER CAME BEFORE ME ON THE MOTION FOR RELIEF FROM STAY [#420] (THE "MOTION") OF NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER (THE "MOVANT"). DUE NOTICE WAS GIVEN AND NO OBJECTIONS WERE FILED. HAVING REVIEWED THE MOTION WHICH STATES GOOD CAUSE FOR RELIEF FROM STAY UNDER 11 U.S.C. §362(D), THE MOTION IS GRANTED. IT IS HEREBY ORDERED THAT: THE MOVANT, INCLUDING ITS SUCCESSORS AND ASSIGNS, IS GRANTED RELIEF FROM THE AUTOMATIC STAY PROVISIONS OF 11 U.S.C. § 362 TO ALLOW IT TO EXERCISE ITS RIGHTS UNDER ITS MORTGAGE TO CONDUCT A FORECLOSURE SALE WITH RESPECT TO THE PROPERTY LOCATED AT 115 SALEM ST APT 11, BOSTON, MA 02113 (THE "PROPERTY"), AS MORE PARTICULARLY DESCRIBED IN THE MOTION, AND APPLY THE PROCEEDS FROM ANY SALE OF THE PROPERTY TO THE DEBTOR'S LOAN BALANCE SECURED BY SUCH MORTGAGE, OR ACCEPT A DEED IN LIEU OF FORECLOSURE ON THE PROPERTY, AND, IF NECESSARY, BRING EVICTION PROCEEDINGS AGAINST THE DEBTOR, ALL IN ACCORDANCE WITH APPLICABLE STATE AND FEDERAL LAW. (Telam, Usbc) (Entered: 03/03/2021)
03/05/2021	<u>422</u> (4 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>421</u> Order on Motion For Relief From Stay) Notice Date 03/05/2021. (Admin.) (Entered: 03/06/2021)
06/11/2021	<u>423</u> (4 pgs)	Motion for Leave to to Withdraw as Attorney and for Substitution of Counsel filed by Creditor U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust. (Rule, Craig) (Entered: 06/11/2021)
06/17/2021	<u>424</u> (1 pg)	Order dated 6/17/2021 Re: <u>423</u> Motion for Leave to to Withdraw as Attorney and for Substitution of Counsel filed by Creditor U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust. THE MOTION IS DENIED SINCE ATTORNEY TABACHNIK DID NOT ENTER AN APPEARANCE ON BEHALF OF U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER PARTICIPATION TRUST. THE COURT HAS ENTERED THE APPEARANCE OF ATTORNEY RULE ON BEHALF OF U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER PARTICIPATION TRUST. (Telam, Usbc) (Entered: 06/17/2021)
06/19/2021	<u>425</u> (4 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>424</u> Order) Notice Date 06/19/2021. (Admin.) (Entered: 06/20/2021)
06/25/2021	<u>426</u> (3 pgs)	Motion for Leave to Withdraw and for Substitution of Counsel filed by Creditor HSBC Bank USA N.A. (Rule, Craig) (Entered: 06/25/2021)
06/29/2021	<u>427</u> (1 pg)	Endorsed Order dated 6/29/2021 Re: <u>426</u> Motion for Leave to Withdraw and for Substitution of Counsel filed by Creditor HSBC Bank USA N.A. ALLOWED. (Telam, Usbc) (Entered: 06/29/2021)



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07/01/2021	<u>428</u> (4 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>427</u> Order) Notice Date 07/01/2021. (Admin.) (Entered: 07/02/2021)
10/04/2022	<u>429</u> (3 pgs)	Motion filed by Creditor U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust for Leave To Withdraw as Attorney and for Substitution of Counsel with certificate of service. (Giguere, Jason) (Entered: 10/04/2022)
10/05/2022	<u>430</u> (3 pgs)	Motion filed by Creditor HSBC Bank USA N.A for Leave To Withdraw as Attorney and for Substitution of Counsel with certificate of service. (Giguere, Jason) (Entered: 10/05/2022)
10/14/2022	<u>431</u> (2 pgs)	Notice of Appearance and Request for Notice by Joseph Dolben with certificate of service filed by Creditor Federal Home Loan Mortgage Corporation, as Trustee for the benefit of the Freddie Mac Seasoned Credit Risk Transfer Trust, Series 2019-2 (Dolben, Joseph) (Entered: 10/14/2022)
10/26/2022	<u>432</u> (56 pgs; 3 docs)	Motion filed by Creditor Federal Home Loan Mortgage Corporation, as Trustee for the benefit of the Freddie Mac Seasoned Credit Risk Transfer Trust, Series 2019-2 for Relief from Stay Re: 115 Salem Street, Unit # 13, Boston, MA 02113 with certificate of service and proposed order Fee Amount \$188, Objections due by 11/9/2022. (Attachments: # <u>1</u> Proposed Order # <u>2</u> Exhibit) (Dolben, Joseph) (Entered: 10/26/2022)
10/27/2022		Receipt of filing fee for Motion for Relief From Stay( <u>13-12692</u> ) [motion,mrlfsty] ( 188.00). Receipt Number A19827724, amount \$ 188.00 (re: Doc# <u>432</u> ) (U.S. Treasury) (Entered: 10/27/2022)
10/27/2022	<u>433</u> (1 pg)	Telephonic Hearing Scheduled for 12/13/2022 at 10:00 AM RE: <u>432</u> Motion filed by Creditor Federal Home Loan Mortgage Corporation, as Trustee for the benefit of the Freddie Mac Seasoned Credit Risk Transfer Trust, Series 2019-2 for Relief from Stay Re: 115 Salem Street, Unit # 13, Boston, MA. Objections due by 11/9/2022. *For reasons of public health and safety, all participants and anyone else wishing to attend the hearing must do so by telephone and not in person. To appear telephonically, attendees must, no later than five minutes prior to the scheduled hearing time, dial 1-877-336-1839 and enter Access Code 1378281#. (rmb, USBC) (Entered: 10/27/2022)
11/01/2022	<u>434</u> (1 pg)	Endorsed Order dated 11/1/2022 Re: <u>429</u> Motion filed by Creditor U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust for Leave to Withdraw as Attorney and for Substitution of Counsel. GRANTED. (clm, USBC) (Entered: 11/01/2022)
11/01/2022	<u>435</u> (3 pgs; 2 docs)	Certificate of Service of Notice of Hearing (Re: <u>432</u> Motion for Relief From Stay) filed by Creditor Federal Home Loan Mortgage Corporation, as Trustee for the benefit of the Freddie Mac Seasoned Credit Risk Transfer Trust, Series 2019-2 (Attachments: # <u>1</u> Notice of Hearing) (Dolben, Joseph) (Entered: 11/01/2022)
11/02/2022	<u>436</u> (2 pgs)	Court's Order of Deficiency Re: <u>430</u> Motion filed by Creditor HSBC Bank USA N.A for Leave To Withdraw as Attorney and for Substitution of Counsel. The deadline to cure the deficiency is 11/9/2022 at 04:30 PM. (sl) (Entered: 11/02/2022)



2/8/23, 8:18 AM

LIVE database

11/04/2022	<u>437</u> (2 pgs)	Expedited Motion filed by Debtor Steven C. Fustolo to Extend Time to Respond [Re: <u>432</u> Motion for Relief From Stay] with certificate of service. (Goldberg, Lane) (Entered: 11/04/2022)
11/04/2022	<u>438</u> (2 pgs)	Notice of Appearance and Request for Notice by Lane N. Goldberg with certificate of service filed by Debtor Steven C. Fustolo (Goldberg, Lane) (Entered: 11/04/2022)
11/07/2022	<u>439</u> (2 pgs)	Response to Debtor's Expedited Motion to Extend Time to Respond with certificate of service filed by Creditor Federal Home Loan Mortgage Corporation, as Trustee for the benefit of the Freddie Mac Seasoned Credit Risk Transfer Trust, Series 2019-2 Re: <u>437</u> Expedited Motion filed by Debtor Steven C. Fustolo to Extend Time to Respond [Re: <u>432</u> Motion for Relief From Stay] with certificate of service. (Dolben, Joseph) (Entered: 11/07/2022)
11/07/2022	<u>440</u> (1 pg)	Order dated 11/7/2022 Re: <u>437</u> Debtor's Expedited Motion to Extend Time for the Response and the Hearing Re: <u>432</u> Motion for Relief From Stay. THE MOTION TO EXTEND TIME IS GRANTED IN PART. THE DEBTOR'S DEADLINE TO FILE A RESPONSE TO THE MOTION FOR RELIEF FROM STAY IS EXTENDED TO DECEMBER 6, 2022. THE HEARING ON DECEMBER 13, 2022, WILL BE HELD AS SCHEDULED ABSENT FURTHER ORDER OF THE COURT. (clm, USBC) (Entered: 11/07/2022)
11/23/2022	<u>441</u> (3 pgs)	Motion filed by Creditor HSBC Bank USA N.A To Substitute Attorney <i>Craig B. Rule</i> (Giguere, Jason) (Entered: 11/23/2022)
11/23/2022	<u>442</u> (1 pg)	Endorsed Order dated 11/23/2022 Re: <u>441</u> Motion filed by Creditor HSBC Bank USA N.A To Substitute Attorney <i>Craig B. Rule</i> . GRANTED. (clm, USBC) (Entered: 11/23/2022)
12/05/2022	<u>443</u> (3 pgs)	Opposition with certificate of service filed by Debtor Steven C. Fustolo Re: <u>432</u> Motion filed by Creditor Federal Home Loan Mortgage Corporation, as Trustee for the benefit of the Freddie Mac Seasoned Credit Risk Transfer Trust, Series 2019-2 for Relief from Stay Re: 115 Salem Street, Unit # 13, Boston, MA 02113 with certi (Goldberg, Lane) (Entered: 12/05/2022)
12/09/2022	<u>444</u> (2 pgs)	Notice of Withdrawal with certificate of service (Re: <u>432</u> Motion for Relief From Stay) filed by Creditor Federal Home Loan Mortgage Corporation, as Trustee for the benefit of the Freddie Mac Seasoned Credit Risk Transfer Trust, Series 2019-2 (Dolben, Joseph) (Entered: 12/09/2022)
12/09/2022	<u>445</u> (1 pg)	Endorsed Order dated 12/9/2022 Re: <u>432</u> Motion of Federal Home Loan Mortgage Corporation for Relief from Stay Re: 115 Salem Street, Unit # 13, Boston, MA. WITHDRAWN. THE DECEMBER 13, 2022 HEARING IS CANCELED. (clm, USBC) (Entered: 12/09/2022)

PACER Service Center
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2/8/23, 8:18 AM

LIVE database

Transaction Receipt			
02/08/2023 08:18:38			
<b>PACER Login:</b>	es0024NG	<b>Client Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	13-12692 Fil or Ent: filed Doc From: 0 Doc To: 99999999 Format: html Page counts for documents: included
<b>Billable Pages:</b>	30	<b>Cost:</b>	3.00

# **TAB B**



UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS  
EASTERN DIVISION

In re:  
Steven C. Fustolo  
Alleged Debtor

Involuntary Petition  
No. 13-12692-JNF

AFFIDAVIT OF STEVEN C. FUSTOLO

1. My name is Steven C. Fustolo, I am the alleged debtor in the above proceedings, and I have personal knowledge of the facts contained herein.
2. The Judgment obtained by 50 Thomas Patton Drive, LLC (hereinafter TPD) is based upon four separate promissory notes executed by Revere Beach Holdings, LLC and 5 High Street, LLC.
3. TPD's state court lawsuit sought damages against me, personally, only on the two debts owed by 5 High Street, LLC.
4. The state court decision, which is attached at pages 6-8 of the Involuntary Petition, notes a judgment against me of over \$6.7 million on Count 4. Count 4 of the complaint sought recovery under a guaranty of Promissory Notes given by 5 High Street, LLC in the original amount of \$350,000 and \$900,000. The judgment issued by the Superior Court allocated approximately \$2.7 million to those 2 notes.
5. I do not recall executing a guaranty of the other two notes given by Revere Beach Holdings, LLC and the complaint filed by TPD did not seek recovery of a guaranty under those tow notes
6. The entire judgment is on appeal and is disputed based upon several legal bases, including (a) the lack of any count seeking recovery against me personally, for the Revere Beach Holdings, LLC obligations, (b) that the interest rate on all of the debt owed by Revere Beach Holdings, LLC and 5 High Street, LLC ranged from 35% to over 130% and (c) that TPD failed to file appropriate

notice with the Attorney General's office of its intent to charge usurious interest rates.

7. Any debt owed by me to TPD is secured by junior mortgages on 5 High Street, Medford, MA as well as the equity in the property located at 50 Thomas Patton Drive, Randolph, MA. A true copy of the first 2 and signature pages of one of the mortgages is attached hereto at A.
8. I believe, based on a broker's price opinion, that the property at 5 High Street has a value of approximately \$5.4 million. The mortgage held by TPD is subject to two mortgages granted to Winchester Savings Bank, both of which are being serviced in the ordinary course of business and a mortgage to Frank and Albert Mongiello, which is being serviced, albeit not always timely. The total amount of those debts is approximately \$2,575,000, leaving equity of around \$2,825,000.
9. The Thomas Patton Drive property was purchased in 2008 for \$4.6 million, produces rental income in an amount currently unknown to me, and has a first mortgage that should be no more than \$3.0 million. Even assuming a slippage in value there should be equity in that property of \$1,500,000.
10. The debt owed to Richard Mayer is secured by an Execution against my residence at 110 Church Street, Winchester, MA. A true copy of the Execution is attached hereto at B.
11. The property at 110 Church Street, Winchester, MA is secured by a first mortgage to US Bank and a second mortgage to CWF Trust totaling approximately \$680,000.
12. The property is assessed at \$910,900 and may be worth more. A true copy of the Assessor's card is attached hereto at C.

Signed under the pains and penalties of perjury this 22 day of July, 2013

  
Steven C. Fustolo

Case 13-12692 Doc 24-1 Filed 07/22/13 Entered 07/22/13 16:11:18 Desc Exhibit  
Mortgage Page 1 of 5

19  
Law Office  
David J. Jensen & Associates  
7 Harvard Street  
Brookline, MA 02445



Bk: 51460 Pg: 262 Doc: MTG  
Page: 1 of 19 07/18/2008 03:22 PM

1219

**MORTGAGE AND SECURITY AGREEMENT**  
**(Including Collateral Assignment of Rents and Leases)**

This Mortgage and Security Agreement (Including Collateral Assignment of Rents and Leases) (hereinafter referred to as the "Mortgage") is made as of the 17<sup>th</sup> day of July, 2008 by HUNTINGTON PROPERTIES, INC., a Massachusetts corporation ("Huntington") and 5 HIGH STREET, L.L.C., a Massachusetts limited liability company ("High Street"), both with an address at 87 Terrace Hall Avenue, Burlington, Massachusetts 01803 (Huntington and High Street, together with any successors in title to the Mortgaged Property [hereinafter defined], other than the Lender, each sometimes herein referred to as a "Guarantor" and collectively as the "Guarantors").

**1. Mortgage, Security Agreement and Assignment of Rents and Leases.**

**1.1 Mortgage and Security Agreement.** For valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Guarantors hereby jointly and severally grant, with MORTGAGE COVENANTS, to 50 THOMAS PATTON DRIVE LLC, a Massachusetts limited liability company with an address at 10 Turnpike Road, Southborough, Massachusetts 01772 (together with any other holder or holders from time to time of the Guaranty and the Notes hereinafter defined, sometimes herein referred to as the "Lender"), so much of the "Mortgaged Property" as constitutes the "Premises", and grants to the Lender a security interest in so much of the Mortgaged Property as constitutes the "Collateral" all as hereinafter defined, in all proceeds of insurance from any damage to the Mortgaged Property and in all awards for condemnations or takings of all or any portion of the Mortgaged Property or any interest therein by eminent domain, all to secure the following obligations of the Guarantor to the Lender, which obligations are collectively referred to herein as the "Mortgage Debt," namely:

This instrument, after recording,  
to be mailed to: (Fifth)

Robert C. Sudmyer, Esquire  
Bowditch & Dewey, LLP  
311 Main Street  
P.O. Box 15156  
Worcester, MA 01615-0156

Property Address: 5 High Street, Medford, MA



(a) all obligations of each of the Guarantors and Steven C. Fustolo (the "Individual Guarantor") as guarantors of the obligations of 50 TPD Realty, LLC (the "Borrower") to the Lender pursuant to a Guaranty dated of even date herewith (collectively, the "Guaranty");

(b) the payment of amounts from time to time due pursuant to the terms of a certain Promissory Note dated of even date herewith made by the Borrower to the order of the Lender in the principal amount of Three Hundred Fifty Thousand Dollars (\$350,000.00) (the "\$350,000.00 Note"), at the times, in the manner and with interest all as more fully provided therein (including any and all renewals, extensions, amendments and rewritings thereof and advances thereunder, all now or hereafter made);

(c) the payment of amounts from time to time due pursuant to the terms of a certain Promissory Note dated of even date herewith made by the Borrower to the order of the Lender in the principal amount of Nine Hundred Thousand Dollars (\$900,000.00) (the "\$900,000.00 Note"), at the times, in the manner and with interest all as more fully provided therein (including any and all renewals, extensions, amendments and rewritings thereof and advances thereunder, all now or hereafter made) (the \$900,000.00 Note and the \$350,000.00 Note hereinafter together referred to as the "Notes");

(d) the performance of all covenants and agreements contained in the Guaranty, the Notes, this Mortgage, a Loan and Escrow Agreement dated as of even date herewith by and among the Borrower, the Guarantors, the Lender and certain other parties (as may be amended from time to time, the "Agreement") and any other document or instrument executed in connection with the Mortgage Debt; and

(e) all other obligations of any of the Borrower, the Guarantors and the Obligors (defined in the Agreement) to the Lender, now existing or hereafter arising, direct or indirect, absolute or contingent, joint or several, due or not due, whether or not related to the Guaranty or the Notes.


The "Mortgaged Property" shall mean: real estate with all buildings and improvements thereon located at 5 High Street, Medford, Massachusetts, as more fully described on Exhibit A attached hereto, together with all rights of way or uses, servitudes, licenses, tenements, rents, leases, hereditaments, appurtenances, easements and other rights now or hereafter existing, belonging or pertaining thereto; all fixtures and other articles of every kind and nature whatsoever now or hereafter owned or leased by either Guarantor and used or procured for use in connection with the operation and maintenance of the Premises, insofar as the same are, or can by agreement of the parties be made, a part of the real estate, including, without limiting the generality of the foregoing, any and all boilers, pumps, tanks, electric panel switchboards, lighting equipment and wiring, heating, plumbing and ventilating apparatus, sprinklers, if any, elevators, escalators, refrigerating, air conditioning and air-cooling equipment and other building service equipment (said real estate, improvements, rights, fixtures and other articles being collectively called the "Premises"); and all machinery, equipment, furniture, fixtures or other personal property and



Executed as a sealed instrument as of the date first above mentioned.


**HUNTINGTON PROPERTIES, INC.**

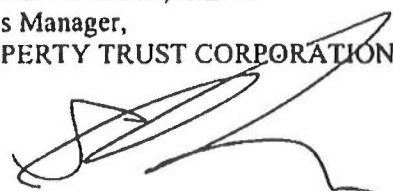
  
Witness

By:   
Steven C. Fustolo, President and Treasurer

**5 HIGH STREET, L.L.C.**

By its Manager,  
PROPERTY TRUST CORPORATION

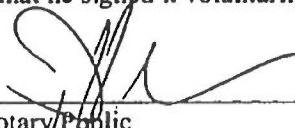
  
Witness

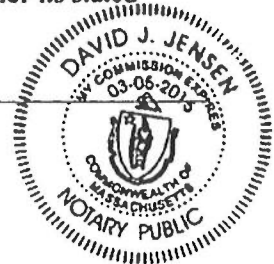
By:   
Steven C. Fustolo, President and Treasurer

**THE COMMONWEALTH OF MASSACHUSETTS**

 ss.

On this 17<sup>th</sup> day of July, 2008, before me, the undersigned notary public, personally appeared Steven C. Fustolo, President and Treasurer of Huntington Properties, Inc., proved to me through satisfactory evidence of identification, which was ☒ photographic identification with signature issued by a federal or state governmental agency, ☐ oath or affirmation of a credible witness, ☐ personal knowledge of the undersigned, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of Huntington Properties, Inc.

  
Notary Public  
My Commission Expires:



**THE COMMONWEALTH OF MASSACHUSETTS**

 ss.

On this 17<sup>th</sup> day of July, 2008, before me, the undersigned notary public, personally appeared Steven C. Fustolo, President and Treasurer of Property Trust Corporation, the Manager of 5 High Street, L.L.C., proved to me through satisfactory evidence of identification, which was



Case 13-12692 Doc 24-1 Filed 07/22/13 Entered 07/22/13 16:11:18 Desc Exhibit  
Mortgage Page 4 of 5

☒ photographic identification with signature issued by a federal or state governmental agency,  
☐ oath or affirmation of a credible witness, ☒ personal knowledge of the undersigned, to be  
the person whose name is signed on the preceding document, and acknowledged to me that he  
signed it voluntarily for its stated purpose on behalf of 5 High Street, L.L.C.



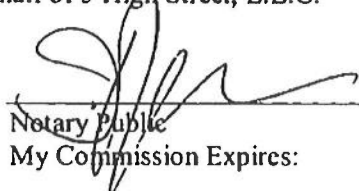
  
Notary Public  
My Commission Expires:



Exhibit A

5 High Street, Medford, Massachusetts:

A certain parcel of land with the buildings thereon situated in Medford, Middlesex County, Massachusetts, shown as a parcel marked "Area - 14260 SQ. FT." on a plan entitled "Land in Medford Property of Carolin R. Lawrence" dated April, 1915, by R.N. Barnes, C.E., recorded with Middlesex South District Registry of Deeds in Book 3972, End, and being bounded:

WESTERLY: by land now or late of Medford Trust Company, ninety-three (93) feet;

NORTHERLY: by the middle of a sixteen (16) feet passageway running from Brooks Land to Forest Street; one hundred sixty-seven and 3/10 (167.3) feet;

EASTERLY: by Forest Street, seventy-eight (78) feet; and

SOUTHERLY: on High Street, one hundred sixty-eight and 3/10 (168.3) feet.

There is excepted from the above described premises a small triangular piece of land at the corner of High Street and Forest Street containing 194.80 square feet and shown on plan of land entitled "City of Medford, Engineering Dept. Proposed Relocation of High Street" dated June 8, 1915, recorded with said Deeds, Plan Book 270, Page 15.

*Eugene C. Brune*  
Attest Middlesex S. Register

Case 13-12692 Doc 24-2 Filed 07/22/13 Entered 07/22/13 16:11:18 Desc Exhibit  
03/25/2013 11:55 6178681128 Bk: 61467 Pg: 263 Page 1 of 2

PAGE 03/05

Da

**Commonwealth of Massachusetts**  
**County of Middlesex**  
**The Superior Court**



Bk: 61467 Pg: 263 Doc: EXEC  
 Page: 1 of 2 03/26/2013 11:02 AM

**ALIAS EXECUTION IN LIEU OF ONE LOST**

CIVIL DOCKET# MICV2009-00674

**Richard Mayer v Steven C. Fustolo, 23-25 Highland Avenue, LLC**

**To the Sheriffs of our Several Counties or their Deputies, GREETING:**

<b>DAMAGES:</b>	<b>\$237,953.30</b>
<b>POST JUD/INT:</b>	<b>\$53,158.04</b>
<b>TOTAL:</b>	<b>\$291,111.34</b>

WHEREAS Richard Mayer, is currently residing in Bethlehem, in the Commonwealth of Pennsylvania of by the consideration of our Justices of our Superior Court at Middlesex, aforesaid, on the sixteenth day of December 2011 recovered Judgment against Steven C. Fustolo, currently resides in Winchester, 23-25 Highland Avenue, is a limited liability company, having a principal place of business in Burlington, both in the County of Middlesex, in the Commonwealth of Massachusetts for the sum of Two Hundred Thirty Seven Thousand Nine Hundred Fifty Three Dollars and Thirty Cents debt or damages, as to us appears of record, where execution remains to be done:

We command you therefore, that of the goods, chattels or land of the said judgment debtor(s) within your precinct, you cause to be paid and satisfied unto the said judgment creditor(s), at the value thereof in money, with interest thereon in the sum of **Fifty Three Thousand One Hundred Fifty Eight Dollars and Four Cents** from day of the rendition of said Judgment to date of execution the aforesaid sums, being **\$291,111.34** in the whole, and thereof also to satisfy yourself for your own fees.

Hereof fail not, and make return of this writ with your doing thereon into the Clerk's office of said Court at Woburn, within our County of Middlesex, and to make return of this writ within twenty years after the date of the said judgment, or within ten days after this writ has been satisfied or discharged.

Witness, **Barbara J. Rouse**, Esquire, Chief Justice of the Superior Court, at Woburn, Massachusetts this 13th day of March, 2013.

*Mary M. Stewart*  
 Deputy Assistant Clerk

RETURN TO:  
 Joseph A Lopisi  
 2343 Massachusetts Avenue  
 Cambridge, MA 02140

A TRUE COPY ATTEST  
*W*  
 DEPUTY SHERIFF  
 Middlesex County

*William Moore*

Case 1:23-cv-10033-RGS Doc 10 Filed 02/21/23 Page 75 of 124  
Case 13-12692 Doc 24-2 Filed 07/22/13 Entered 07/22/13 16:11:18 Desc Exhibit  
3/25/2013 11:55 6178581128 BW-61467 Pg. 264 ERIE  
Mayer Execution Page 2 of 2

PAGE 04/05

MIDDLESEX SS.,

March 26, 2013

By virtue of this execution, which has been placed in my hands for the purpose of taking lands of the within-named judgment debtor(s), STEVEN C FUSTOLO, I this day at Nine o'clock and no minutes a.m., seized and took all the right, title and interest (not exempt by law from attachment on levy on execution) which the within-named, STEVEN C FUSTOLO, has in and to the following described real estate, to wit:

110 CHURCH Street, Winchester, MIDDLESEX COUNTY

A certain parcel of land with the buildings thereon, situated in said Winchester, bounded and described as follows:

Beginning on the Southerly side of Church Street at a point distant seventy-five and 3/10 (75.3) feet Easterly from Glen Road; thence running Southerly on land formerly of Whitney, one hundred fifty-nine (159) feet; thence turning and running Easterly seventy-seven (77) feet; thence turning and running Northwesterly on land formerly of Regan, now or formerly of Rosa P. Buckley, one hundred seventy-seven (177) feet; thence turning and running Westerly on Church Street, seventy-five and 3/10 (75.3) feet to a point of beginning.

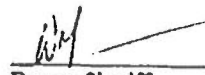
Containing 12,768 square feet of land be all of said measurements more or less.

For title see Deed of William F. Donnellan and Diana D. Donnellan, dated May 12, 1994 and recorded with Middlesex County Registry of Deeds in Book 2453, Page 398.

And I levied this execution thereupon.

And immediately afterward I suspended the further levy on this execution upon the above described real estate by written request of the attorney for the within-named judgment creditor.

LAW OFFICE OF JOSEPH A. LOPISI  
2343 MASSACHUSETTS Avenue  
Cambridge, MA 02140

  
Deputy Sheriff



Case 13-12692 Doc 24-3 Filed 07/22/13 Entered 07/22/13 16:11:18 Desc Exhibit 1  
 Tax Card-Church Street Winchester Page 1 of 1

Card 1 of 1

Location 110 CHURCH ST	Property Account Number	Parcel ID 17 162 0
------------------------	-------------------------	--------------------

Old Parcel ID --

**Current Property Mailing Address**

Owner FUSTOLO STEVEN C + ELISA R	City WINCHESTER
Address 110 CHURCH STREET	State MA
	Zip 01890
	Zoning RDB

**Current Property Sales Information**

Sale Date 8/29/1994	Legal Reference 24813-551
Sale Price 0	Grantor(Seller) FUSTOLO

**Current Property Assessment**

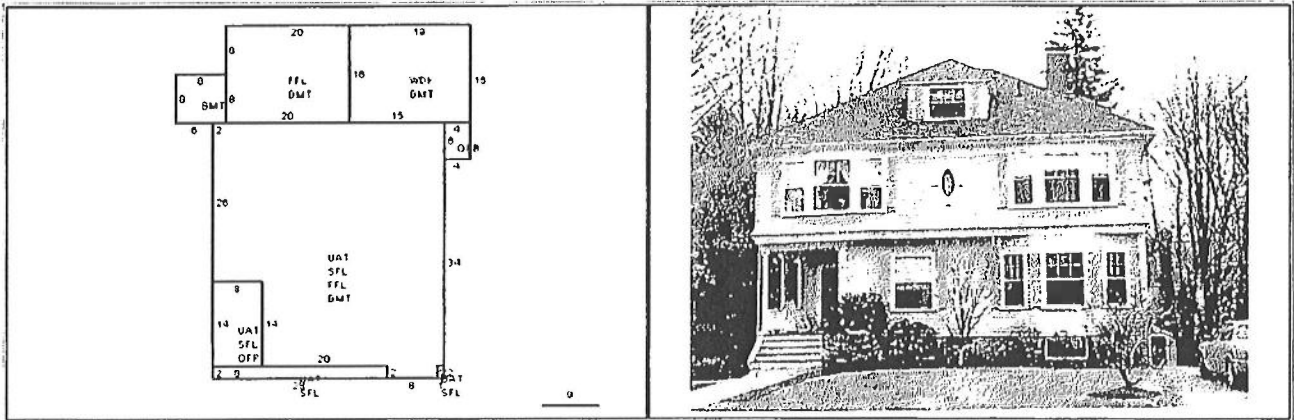
Year 2013	<b>Card 1 Value</b>
	Building Value 484,500
	Xtra Features Value 2,800
Land Area 0.293 acres	Land Value 423,600
	Total Value 910,900

**Narrative Description**

This property contains 0.293 acres of land mainly classified as TWO FAM with a(n) COLONIAL style building, built about 1877 , having WOOD SHING exterior and ASPHALT roof cover, with 2 unit(s), 12 total room(s), 5 total bedroom(s), 4 total bath(s), 0 total half bath(s), 0 total 3/4 bath(s).

**Legal Description**

**Property Images**



# TAB C

Case 13-12692 Doc 101 Filed 01/17/14 Entered 01/17/14 16:22:00 Desc Main Document Page 1 of 59

B6A (Official Form 6A) (12/07)

In re Steven C. Fustolo,

Debtor

Case No. 13-12692-JNF

(If known)

**SCHEDULE A - REAL PROPERTY**

DESCRIPTION AND LOCATION OF PROPERTY	NATURE OF DEBTOR'S INTEREST IN PROPERTY	Husband, Wife, Joint, or Community	CURRENT VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION	AMOUNT OF SECURED CLAIM
Primary Residence - 110 Church Street, Winchester, MA	Tenancy by the Entirety	J	\$753,800.00 (Assessed)	\$979,000.00
Rental - Condominium Unit 11, 115 Salem Street, Boston, MA (values of condos based on sales)	Fee Simple		\$210,000.00	\$250,000.00 (Blanket mortgage of \$480,000)
Rental - Condominium Unit 13, 115 Salem Street, Boston, MA	Fee Simple		\$300,000.00	\$330,000.00 (Blanket mortgage of \$480,000)
Rental - Condominium Unit 14, 115 Salem Street, Boston, MA	Fee Simple		\$300,000.00	\$330,000.00 (Blanket mortgage of \$480,000)
Rental - Condominium Unit 15, 115 Salem Street, Boston, MA	Fee Simple		\$210,000.00	\$256,000.00 (Blanket mortgage of \$480,000)
Rental - Condominium Unit 12, 115 Salem Street, Boston, MA (short sale post-petition)	Fee Simple		\$210,000.00	\$250,000.00



Case 13-12692 Doc 101 Filed 01/17/14 Entered 01/17/14 16:22:00 Desc Main Document Page 2 of 59

B6A (Official Form 6A) (12/07)

In re Steven C. Fustolo,  
DebtorCase No. 13-12692-JNF  
(If known)**SCHEDULE A - REAL PROPERTY**

(Continuation Sheet)

Condominium 500 Ocean Street, Hyannis, MA	25% ownership		\$75,000.00 (Broker's price opinion)	\$106,000.00
Total ►			\$2,058,800.00	

(Report also on Summary of Schedules.)

Case 13-12692 Doc 101 Filed 01/17/14 Entered 01/17/14 16:22:00 Desc Main Document Page 3 of 59

B 6B (Official Form 6B) (12/2007)

In re Steven C. Fustolo,

Debtor

Case No. 13-12692-JNF

(If known)

**SCHEDULE B - PERSONAL PROPERTY**

TYPE OF PROPERTY	N O N E	DESCRIPTION AND LOCATION OF PROPERTY	Husband, Wife, Joint, Or Community	CURRENT VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
1. Cash on hand.		Cash		\$200.00
2. Checking, savings or other financial accounts, certificates of deposit or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives.		Bank of America accounts ending 1461 (\$1054) and 3923 (\$1)	J	\$1,055.00
		Bank of America account ending in 9490 (\$29) Fidelity (\$300)		\$329.00
3. Security deposits with public utilities, telephone companies, landlords, and others.	X			
4. Household goods and furnishings, including audio, video, and computer equipment.		(no single item having value in excess of \$575.00 and an aggregate value of less than \$15,000.00)	J	\$5,000.00
5. Books; pictures and other art objects; antiques; stamp, coin, record, tape, compact disc, and other collections or collectibles.	X			
6. Wearing apparel.		Mens clothing		NCV
7. Furs and jewelry.	X			
8. Firearms and sports, photographic, and other hobby equipment.	X			
9. Interests in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.	X			
10. Annuities. Itemize and name each issuer.	X			
11. Interests in an education IRA as defined in 26 U.S.C. § 530(b)(1) or under a qualified State tuition plan as defined in 26 U.S.C. § 529(b)(1). Give particulars. (File separately the record(s) of any such interest(s). 11 U.S.C. § 521(c).)	X			

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B 6B (Official Form 6B) (12/2007)

In re Steven C. Fustolo,

Debtor

Case No. 13-12692-JNF

(If known)

**SCHEDULE B - PERSONAL PROPERTY**

(Continuation Sheet)

12. Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. Give particulars.	X		
13. Stock and interests in incorporated and unincorporated businesses. Itemize.		See attached	\$0.00
14. Interests in partnerships or joint ventures. Itemize.	X		
15. Government and corporate bonds and other negotiable and nonnegotiable instruments.	X		
16. Accounts receivable.		50 Thomas Patton Drive LLC Management fees \$79,013 gross amount due - potential offset	Unknown
		Shareholder's loan to National Tax Institute (\$1,045,429 gross amount - uncollectable)	\$0.00
		Shareholder's loan to CPE Meetings Inc. \$355,530 gross amount - uncollectable	\$0.00
		Shareholder's loan to Ocean Club Condominium LLC \$6,157,749 gross amount - uncollectable	\$0.00
		Shareholder's loan to Huntington Properties Inc. \$318,271 gross amount - uncollectable	\$0.00
		Shareholder's loan to Huntington Properties Holdings LLC \$1,864,000 gross amount - uncollectable	\$0.00
17. Alimony, maintenance, support, and property settlements to which the debtor is or may be entitled. Give particulars.	X		
18. Other liquidated debts owed to debtor including tax refunds. Give particulars.	X		



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B 6B (Official Form 6B) (12/2007)

In re Steven C. Fustolo,

Debtor

Case No. 13-12692-JNF

(If known)

**SCHEDULE B - PERSONAL PROPERTY**

(Continuation Sheet)

19. Equitable or future interests, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule A – Real Property.	X		
20. Contingent and noncontingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.	X		
21. Other contingent and unliquidated claims of every nature, including tax refunds, counterclaims of the debtor, and rights to setoff claims. Give estimated value of each.		Potential claims against 50 Thomas Patton Drive, Cliff Shorer, and others for accounts due and libel/slander, conversion, etc.	Unknown
		Potential claims against Patriot Group and others concerning introduction to prospective lenders	Unknown
22. Patents, copyrights, and other intellectual property. Give particulars.	X		
23. Licenses, franchises, and other general intangibles. Give particulars.	X		
24. Customer lists or other compilations containing personally identifiable information (as defined in 11 U.S.C. § 101(41A)) provided to the debtor by individuals in connection with obtaining a product or service from the debtor primarily for personal, family, or household purposes.	X		
25. Automobiles, trucks, trailers, and other vehicles and accessories.	X		
26. Boats, motors, and accessories.	X		
27. Aircraft and accessories.	X		
28. Office equipment, furnishings, and supplies.	X		
29. Machinery, fixtures, equipment, and supplies used in business.	X		
30. Inventory.	X		
31. Animals.	X		
32. Crops - growing or harvested. Give particulars.	X		
33. Farming equipment and implements.	X		

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B 6B (Official Form 6B) (12/2007)

In re Steven C. Fustolo,

Debtor

Case No. 13-12692-JNF

(If known)

**SCHEDULE B - PERSONAL PROPERTY**

(Continuation Sheet)

34. Farm supplies, chemicals, and feed.	X			
35. Other personal property of any kind not already listed. Itemize.	X			

3 continuation sheets attached

Total ►

(Include amounts from any continuation sheets attached. Report total also on Summary of Schedules.)

\$6,584.00

**Schedule B – Personal Property****Question No. 13 Stocks and interests in incorporated and unincorporated business\***

<b>Description and location</b>	<b>Current value of Debtor's interest</b>
Huntington Properties Inc. Revere Beach Properties, Inc. 100% owned by Huntington Properties Inc.	\$0.00
CPE Meetings Inc.	\$0.00
National Tax Institute, Inc.	\$0.00
Terrace Hall Partners LLC 33% ownership	\$2,188
Atlas Garden Supply, LLC 50% ownership	Unknown
James J. Fox & Company LLP 35% ownership	Unknown
Property Trust Corporation	\$0.00
Property Trust Corporation	\$0.00
Prospective Hill Limited Partnership 12% limited partnership interest	\$5,000+/-
32 Park Vale Avenue Trust	\$0.00-- See Continuation page for business entities owned by 32 Park Vale Avenue Trust

**\*All ownership interests are 100% in Debtor's name unless otherwise noted**



## Schedule B – Personal Property - Continued

## Question No. 13 Stocks and interests in incorporated and unincorporated business

32 Park Vale Avenue Trust*	
Owns 100% of the membership interest in each of the following	
5 High Street, LLC	
7 Stillman Place LLC	
11 Sheafe Street, LLC	
23 Margaret Street LLC	
23-25 Highland Avenue LLC	
34 Cooper Street LLC	
65 North Margin Street LLC	\$25
101 Prince Street, LLC	
115 Salem Street Realty LLC	
116 Marlborough Properties, LLC	
128 Marlborough Street LLC	
128 Marlborough Street Parking, LLC	
135-137 Salem Street LLC	
162 Salem Street, LLC	
Fustolo Development LLC	
Fustolo Properties LLC	
New Sheafe Street Realty LLC	
North Margin Street Development LLC	
The Ocean Club Condominium LLC	
Ocean GP LLC	
Revere Beach Holdings LLC	
Excelsior Holdings Group LLC	
NTI LLC (owned by Excelsior Holdings Group LLC)	
Conference Meeting Planners, LLC (owned by Excelsior Holdings Group LLC)	
Affinity Investments, LLC	
99% Membership interest	
Huntington Properties Holding Company LLC	
Steve C. Fustolo Revocable Trust - bank account	\$2,574
Two bank accounts	\$183
35% Joint venture interest in stones	Unknown
* All entities owned by the Trust except New Sheafe Realty, LLC and Excelsior Holdings Group, LLC and subsidiaries were dissolved by the Secretary of State in either 2009 or 2011. None are believed to have any value for the member other than perhaps 65 North Margin Street LLC, whose only asset is a bank account.	

**TAB D**

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B 8 (Official Form 8) (12/08)

UNITED STATES BANKRUPTCY COURT  
MASSACHUSETTSIn re Steven C. Fustolo  
DebtorCase No. 13-12692-JNF  
Chapter 7

## CHAPTER 7 INDIVIDUAL DEBTOR'S STATEMENT OF INTENTION

**PART A** – Debts secured by property of the estate. (*Part A must be fully completed for EACH debt which is secured by property of the estate. Attach additional pages if necessary.*)

Property No. 1	
<b>Creditor's Name:</b> 50 Thomas Patton Drive LLC	<b>Describe Property Securing Debt:</b> 50 Thomas Patton Drive, Randolph, MA and 5 High Street, Medford, MA
Property will be ( <i>check one</i> ): <input type="checkbox"/> Surrendered <input checked="" type="checkbox"/> Retained	
If retaining the property, I intend to ( <i>check at least one</i> ): <input type="checkbox"/> Redeem the property <input type="checkbox"/> Reaffirm the debt <input checked="" type="checkbox"/> Other. Explain Collateral may have equity for estate.	
Property is ( <i>check one</i> ): <input type="checkbox"/> Claimed as exempt <input checked="" type="checkbox"/> Not claimed as exempt	

Property No. 2	
<b>Creditor's Name:</b> Richard Mayer	<b>Describe Property Securing Debt:</b> Residence
Property will be ( <i>check one</i> ): <input type="checkbox"/> Surrendered <input checked="" type="checkbox"/> Retained	
If retaining the property, I intend to ( <i>check at least one</i> ): <input type="checkbox"/> Redeem the property <input type="checkbox"/> Reaffirm the debt <input checked="" type="checkbox"/> Other. Explain avoid lien.	
Property is ( <i>check one</i> ): <input checked="" type="checkbox"/> Claimed as exempt <input type="checkbox"/> Not claimed as exempt	



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Property No. 3	
<b>Creditor's Name:</b> Winchester Savings Bank	<b>Describe Property Securing Debt:</b> 5 High Street, Medford, MA and 115 Salem Street, Boston, MA
Property will be <i>(check one)</i> : <input type="checkbox"/> Surrendered <input checked="" type="checkbox"/> Retained	
If retaining the property, I intend to <i>(check at least one)</i> : <input type="checkbox"/> Redeem the property <input type="checkbox"/> Reaffirm the debt <input checked="" type="checkbox"/> Other. Explain Property owned by entity other than Debtor.	
Property is <i>(check one)</i> : <input type="checkbox"/> Claimed as exempt <input checked="" type="checkbox"/> Not claimed as exempt	

Property No. 4	
<b>Creditor's Name:</b> Bank of America	<b>Describe Property Securing Debt:</b> 115 Salem Street, Units 11 and 15, Boston, MA
Property will be <i>(check one)</i> : <input checked="" type="checkbox"/> Surrendered <input type="checkbox"/> Retained	
If retaining the property, I intend to <i>(check at least one)</i> : <input type="checkbox"/> Redeem the property <input type="checkbox"/> Reaffirm the debt <input type="checkbox"/> Other. Explain _____ (for example, avoid lien using 11 U.S.C. § 522(f)).	
Property is <i>(check one)</i> : <input type="checkbox"/> Claimed as exempt <input checked="" type="checkbox"/> Not claimed as exempt	

Property No. 5	
<b>Creditor's Name:</b> PHH Mortgage Corporation	<b>Describe Property Securing Debt:</b> 115 Salem Street, Units 13 and 14, Boston, MA
Property will be <i>(check one)</i> : <input checked="" type="checkbox"/> Surrendered <input type="checkbox"/> Retained	
If retaining the property, I intend to <i>(check at least one)</i> : <input type="checkbox"/> Redeem the property <input type="checkbox"/> Reaffirm the debt <input type="checkbox"/> Other. Explain _____ (for example, avoid lien using 11 U.S.C. § 522(f)).	
Property is <i>(check one)</i> : <input type="checkbox"/> Claimed as exempt <input checked="" type="checkbox"/> Not claimed as exempt	

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Property No. 6	
<b>Creditor's Name:</b> Stoneham Savings Bank	<b>Describe Property Securing Debt:</b> 50 Thomas Patton Drive, Randolph, MA
Property will be <i>(check one)</i> : <input type="checkbox"/> Surrendered <input checked="" type="checkbox"/> Retained	
If retaining the property, I intend to <i>(check at least one)</i> : <input type="checkbox"/> Redeem the property <input type="checkbox"/> Reaffirm the debt <input checked="" type="checkbox"/> Other. Explain Collateral may have equity for estate.	
Property is <i>(check one)</i> : <input type="checkbox"/> Claimed as exempt <input checked="" type="checkbox"/> Not claimed as exempt	

Property No. 7	
<b>Creditor's Name:</b> HSBC Bank	<b>Describe Property Securing Debt:</b> Listed for informational purposes only
Property will be <i>(check one)</i> : <input type="checkbox"/> Surrendered <input type="checkbox"/> Retained	
If retaining the property, I intend to <i>(check at least one)</i> : <input type="checkbox"/> Redeem the property <input type="checkbox"/> Reaffirm the debt <input type="checkbox"/> Other. Explain .	
Property is <i>(check one)</i> : <input type="checkbox"/> Claimed as exempt <input checked="" type="checkbox"/> Not claimed as exempt	

Property No. 8	
<b>Creditor's Name:</b> Frank Mongiello and MJM Trust	<b>Describe Property Securing Debt:</b> 5 High Street
Property will be <i>(check one)</i> : <input type="checkbox"/> Surrendered <input checked="" type="checkbox"/> Retained	
If retaining the property, I intend to <i>(check at least one)</i> : <input type="checkbox"/> Redeem the property <input type="checkbox"/> Reaffirm the debt <input checked="" type="checkbox"/> Other. Explain Property owned by entity other than Debtor.	
Property is <i>(check one)</i> : <input type="checkbox"/> Claimed as exempt <input checked="" type="checkbox"/> Not claimed as exempt	

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Property No. 9	
<b>Creditor's Name:</b> US Bank	<b>Describe Property Securing Debt:</b> Residence
Property will be <i>(check one)</i> : <input type="checkbox"/> Surrendered <input checked="" type="checkbox"/> Retained	
If retaining the property, I intend to <i>(check at least one)</i> : <input type="checkbox"/> Redeem the property <input checked="" type="checkbox"/> Reaffirm the debt <input type="checkbox"/> Other. Explain _____ (for example, avoid lien using 11 U.S.C. § 522(f)).	
Property is <i>(check one)</i> : <input checked="" type="checkbox"/> Claimed as exempt <input type="checkbox"/> Not claimed as exempt	

Property No. 10	
<b>Creditor's Name:</b> US Bank	<b>Describe Property Securing Debt:</b> Condo in Hyannis, MA
Property will be <i>(check one)</i> : <input type="checkbox"/> Surrendered <input checked="" type="checkbox"/> Retained	
If retaining the property, I intend to <i>(check at least one)</i> : <input type="checkbox"/> Redeem the property <input checked="" type="checkbox"/> Reaffirm the debt <input type="checkbox"/> Other. Explain _____ (for example, avoid lien using 11 U.S.C. § 522(f)).	
Property is <i>(check one)</i> : <input type="checkbox"/> Claimed as exempt <input checked="" type="checkbox"/> Not claimed as exempt	

Property No. 11	
<b>Creditor's Name:</b> CWF Trust	<b>Describe Property Securing Debt:</b> Residence
Property will be <i>(check one)</i> : <input type="checkbox"/> Surrendered <input checked="" type="checkbox"/> Retained	
If retaining the property, I intend to <i>(check at least one)</i> : <input type="checkbox"/> Redeem the property <input checked="" type="checkbox"/> Reaffirm the debt <input type="checkbox"/> Other. Explain _____ (for example, avoid lien using 11 U.S.C. § 522(f)).	
Property is <i>(check one)</i> : <input checked="" type="checkbox"/> Claimed as exempt <input type="checkbox"/> Not claimed as exempt	



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Property No. 12	
<b>Creditor's Name:</b> Steven E. Robinson	<b>Describe Property Securing Debt:</b> 1st & 2nd Mortgages on real estate and Pledge of Equity in membership interest in Terrace Hall Partners LLC
Property will be <i>(check one)</i> : <input type="checkbox"/> Surrendered <input checked="" type="checkbox"/> Retained	
If retaining the property, I intend to <i>(check at least one)</i> : <input type="checkbox"/> Redeem the property <input type="checkbox"/> Reaffirm the debt <input checked="" type="checkbox"/> Other. Explain Property owned by entity other than Debtor.	
Property is <i>(check one)</i> : <input type="checkbox"/> Claimed as exempt <input checked="" type="checkbox"/> Not claimed as exempt	

Property No. 13	
<b>Creditor's Name:</b> Eckert Seaman LLC	<b>Describe Property Securing Debt:</b> \$225,500 Promissory note issued by Ocean GP, LLC
Property will be <i>(check one)</i> : <input checked="" type="checkbox"/> Surrendered <input type="checkbox"/> Retained	
If retaining the property, I intend to <i>(check at least one)</i> : <input type="checkbox"/> Redeem the property <input type="checkbox"/> Reaffirm the debt <input type="checkbox"/> Other. Explain _____ (for example, avoid lien using 11 U.S.C. § 522(f)).	
Property is <i>(check one)</i> : <input type="checkbox"/> Claimed as exempt <input checked="" type="checkbox"/> Not claimed as exempt	

Property No. 14	
<b>Creditor's Name:</b> Bank of America	<b>Describe Property Securing Debt:</b> Unit 12, 115 Salem Street, Boston, MA
Property will be <i>(check one)</i> : <input checked="" type="checkbox"/> Surrendered <input type="checkbox"/> Retained	
If retaining the property, I intend to <i>(check at least one)</i> : <input type="checkbox"/> Redeem the property <input type="checkbox"/> Reaffirm the debt <input type="checkbox"/> Other. Explain _____ (for example, avoid lien using 11 U.S.C. § 522(f)).	
Property is <i>(check one)</i> : <input type="checkbox"/> Claimed as exempt <input checked="" type="checkbox"/> Not claimed as exempt	

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Property No. 15	
<b>Creditor's Name:</b> 527 Revere Beach Blvd Trust	<b>Describe Property Securing Debt:</b> Condo located at 115 Salem Street, Boston, MA
Property will be <i>(check one)</i> : <input type="checkbox"/> Surrendered <input checked="" type="checkbox"/> Retained  If retaining the property, I intend to <i>(check at least one)</i> : <input type="checkbox"/> Redeem the property <input type="checkbox"/> Reaffirm the debt <input checked="" type="checkbox"/> Other. Explain Property is in hands of trustee.  Property is <i>(check one)</i> : <input type="checkbox"/> Claimed as exempt <input checked="" type="checkbox"/> Not claimed as exempt	

**PART B – Personal property subject to unexpired leases.** *(All three columns of Part B must be completed for each unexpired lease. Attach additional pages if necessary.)*

Property No. 1		
<b>Lessor's Name:</b>	<b>Describe Leased Property:</b> 4 one year residential leases for Units 11, 13, 14, and 15 located at 115 Salem Street, Boston, MA	Lease will be Assumed pursuant to 11 U.S.C. § 365(p)(2): <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

**I declare under penalty of perjury that the above indicates my intention as to any property of my estate securing a debt and/or personal property subject to an unexpired lease.**

Date: 1/31/14

 /s/ Steven C. Fustolo  
 Signature of Debtor

Signature of Joint Debtor

# **TAB E**



Date Filed: 3/18/2022 8:22 AM

Land Court

Docket Number:

**COMMONWEALTH OF MASSACHUSETTS  
LAND COURT  
DEPARTMENT OF THE TRIAL COURT**

**MORTGAGEE'S AFFIDAVIT**

FOR LAND COURT USE ONLY

PLACE CASE NO. LABEL HERE

Defendant(s)/ Mortgagor(s): Steven C. FustoloProperty Address: 115 Salem Street, Unit No. 13,  
Boston, MA 02113**EXHIBIT****20**

1. The undersigned makes oath and says that it is (check one):

☐ The Mortgagee of the Mortgage which is the subject of this proceeding, in that it is the person or entity currently holding both the subject Mortgage and the note;

or

☐ The Mortgagee of the Mortgage which is the subject of this proceeding, in that it is the person or entity currently holding the subject Mortgage and is acting on behalf of the current holder of the note;

or

☒ Acting on behalf of the person(s) or entity(ies) currently holding the subject Mortgage and the note.

**AND**

2. The undersigned further makes oath and says that it is (check one):

☒ Notice(s) to Defendant(s)/Mortgagor(s) has/have been given in compliance with Massachusetts General Laws, Chapter 244, Section 35A, as amended (COPY OF NOTICE ATTACHED);

or

☐ No notice has been given because no notice is required under Massachusetts General Laws, Chapter 244, Section 35A, as amended.

Signed under the pains and penalties of perjury on 3.15.22,  
(Date)Plaintiff(s): Federal Home Loan Mortgage Corporation, as Trustee for the  
benefit of the Seasoned Credit Risk Transfer Trust, Series 2019-2By: Name: Josie SyphusTitle: Document Control OfficerSelect Portfolio Servicing, Inc. as attorney-in-fact

12/17

1

MA002.N002

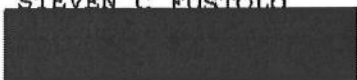


USPS CERTIFIED MAIL



9214 8901 0764 3208 9871 36

STEVEN C. FUSTOLO



00211984000009011200

**SPS** SELECT  
SERVICING, INC.

 STEVEN C. EUSTOLO



- This is an important notice concerning your right to live in your home. Have it translated at once.
- Esta carta explica sus derechos legales para permanecer en su propiedad de vivienda. Por favor traduzca esta notificación inmediatamente.
- Este é um aviso importante em relação ao seu direito de morar na sua residência. Por favor, tem traduzido imediatamente.
- C'est une notification importante concernant votre droit de vivre chez vous. Faites-la traduire immédiatement.
- 这是一则关于您居住权的重要通知, 请尽快安排翻译。

**90-Day Right to Cure Your Mortgage Default**

September 17, 2019

BY FIRST-CLASS MAIL AND BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED

STEVEN C FUSTOLO  
[REDACTED]

RE: 115 SALEM STREET 13, BOSTON, MA 02113; loan [REDACTED] with Select Portfolio Servicing, Inc. (SPS), as servicer for Federal Home Loan Mortgage Corporation, as Trustee for the benefit of the Seasoned Credit Risk Transfer Trust, Series 2019-2 (c/o SPS, PO Box 65250 Salt Lake City, UT 84165-0250) (Mortgagee); Mortgage Loan Originator: Union Capital Mortgage Business Trust;

To STEVEN C FUSTOLO:

We are contacting you because you did not make your monthly loan payment(s) due on [REDACTED] to SPS. You must pay the past due amount of [REDACTED] on or before December 19, 2019, which is 90 days from the date of this notice. The past due amount on the date of this notice is specified below:

- [REDACTED] Principal & Interest due on [REDACTED] Principal & Interest due on [REDACTED]  
[REDACTED] Principal & Interest due on [REDACTED]
- [REDACTED] Outstanding Escrow Balance;
- [REDACTED] Late Charge due on [REDACTED]

If you pay the past due amount, and any additional monthly payments, late charges or fees that may become due between the date of this notice and the date when you make your payment, your account will be considered up-to-date and you can continue to make your regular monthly payments.

Make your payment directly to:

Select Portfolio Servicing, Inc.  
Attn: Cashiering Department  
PO Box 65450 Salt Lake City, UT 84165-0450

Please consider the following:

- You should contact the Homeownership Preservation Foundation (888-995-HOPE) to speak with counselors who can provide assistance and may be able to help you work with your lender to avoid foreclosure;





- If you are a MassHousing borrower, you may also contact MassHousing (617-854-1000) to determine if you are eligible for additional assistance. There may be other homeownership assistance available through your lender or servicer;
- You may also contact the Division of Banks (617-956-1500) or visit [www.mass.gov/foreclosures](http://www.mass.gov/foreclosures) to find a foreclosure prevention program near you;
- After December 19, 2019, you can still avoid foreclosure by paying the total past due amount before a foreclosure sale takes place. Depending on the terms of the loan, there may also be other ways to avoid foreclosure, such as selling your property, refinancing your loan, or voluntarily transferring ownership of the property to Federal Home Loan Mortgage Corporation, as Trustee for the benefit of the Seasoned Credit Risk Transfer Trust, Series 2019-2.

**If you do not pay the total past due amount of [REDACTED] and any additional payments that may become due by December 19, 2019, you may be evicted from your home after a foreclosure sale. If Federal Home Loan Mortgage Corporation, as Trustee for the benefit of the Seasoned Credit Risk Transfer Trust, Series 2019-2 forecloses on this property, it means the mortgagee or a new buyer will take over the ownership of your home.**

If you have questions, or disagree with the calculation of your past due balance, please contact SPS at 800-635-9698 or PO Box 65277 Salt Lake City, UT 84165-0277.

Sincerely,

Kalyana C. Nimmagadda  
Senior Vice President  
Select Portfolio Servicing, Inc.

Enclosed with this notice, there may be additional important disclosures related to applicable laws and requirements that you should carefully review.

**This communication from a debt collector is an attempt to collect a debt and any information obtained will be used for that purpose.**



September 17, 2019

STEVEN C FUSTOLO  
[REDACTED]

Account Number:  
Property Address: [REDACTED]

Dear Customer(s):

This letter provides additional information about your mortgage loan default and is intended to complement the enclosed "90 Day Right to Cure Your Mortgage Default" (the "90 Day Notice"). In the event of any conflict between the terms of this letter and those contained in the 90 Day Notice, the terms of the 90 Day Notice will control.

As noted in the 90 Day Notice, the mortgage on your property is in default as a result of your failure to make payments as required by the Note and Deed of Trust or Mortgage (Security Instrument). Select Portfolio Servicing, Inc. (SPS) services your mortgage loan and has been instructed on behalf of the holder of the promissory note to pursue remedies under the Security Instrument unless you take action to cure the default as detailed in the 90 Day Notice.

**Possible Consequences of Default**

If we do not receive the past due amount by the date listed in the 90 Day Notice, or some loss mitigation alternative to foreclosure has not started, SPS may initiate foreclosure and require immediate payment in full of the entire outstanding unpaid amount on the account. In other words, failure to cure the default on or before December 19, 2019 may result in acceleration of sums secured by the Security Instrument and sale of the Property. If that happens, you may lose your home. A foreclosure will result in the involuntary loss of the property via sale to the lender, or another person may acquire the property by means of foreclosure and sale, and you may be evicted. Once foreclosure is initiated, additional amounts for legal fees and costs may be incurred. These sums can be significant. They may be added to amounts secured by the Security Instrument, and they may be required to be paid, to the extent permitted by law, if you wish to reinstate or satisfy the loan after foreclosure is initiated.

The account's Security Instrument may contain information related to your right to reinstate the account. Please note that if the Security Instrument contains limitations with respect to when you can reinstate the account prior to a foreclosure sale, SPS is waiving those limitations and the provisions related to reinstatement contained in the 90-Day Right to Cure Your Mortgage Default will control and SPS will allow reinstatement any time before the foreclosure sale, notwithstanding any such limitations in the Security Instrument.

**Payment Options**

Please provide payments to the following address:

Sent via US Mail to:  
Select Portfolio Servicing, Inc.  
PO Box 65450 Salt Lake City, UT 84165-0450

Sent via overnight courier to:  
Select Portfolio Servicing, Inc.  
Attn: Remittance Processing  
3217 S. Decker Lake Dr., Salt Lake City, UT 84119

Payments may be submitted in the following forms:

- Personal check
- Money order
- Bank wire (electronic funds transfer). Please contact SPS for the information necessary to complete a bank wire.
- Certified check, bank check, treasurer's check or cashier's check, provided any such check is drawn upon an institution whose deposits are insured by a federal agency.
- Western Union Quick Collect. Reference the loan number above and deliver to Code City: Oswald, UT. State: UT.





In some circumstances, you may be able to submit a payment through EZ Pay by calling 800-258-8602 or visiting our website at [www.spservicing.com](http://www.spservicing.com). Please remember that EZ Pay payments clear quickly, and you must have the funds in your checking account on the day you ask us to process a payment. We will obtain your consent prior to initiating payment and will advise you of any fee for this service, which may be up to [REDACTED]

SPS requires that you pay reinstatement amounts in certified funds. Certified funds include a bank wire, cashier's bank check, attorney trust account check, title or escrow company check, or Western Union Quick Collect. Please contact SPS at 800-635-9698 for instructions on submitting these funds.

#### **You Have Options to Avoid Foreclosure!**

SPS is committed to home retention and offers many customer assistance programs designed to help customers avoid foreclosure. These programs are offered at no cost to our customers and are designed to help preserve home ownership or prevent foreclosure through structured repayment plans, special payment arrangements, modifications, short settlements, and deed-in-lieu options, if you are eligible. If you would like to learn more about these programs, you should immediately contact an SPS representative at our toll-free number, 800-635-9698, or visit our website at [www.spservicing.com](http://www.spservicing.com). Our representatives are available by phone Monday through Thursday between the hours of 8 a.m. and 11 p.m., Friday from 8 a.m. to 9 p.m., and Saturday from 8 a.m. to 2 p.m., Eastern Time.

**If we can reach an agreement to resolve your default, we will not proceed with and/or commence foreclosure, as long as you comply with the agreement and make required payments.**

#### **Servicemembers Civil Relief Act (SCRA)**

SPS is committed to home ownership assistance for active servicemembers and veterans of the United States military. You may be entitled to certain protections under the federal Servicemembers Civil Relief Act (50 U.S.C. 3901 et seq.) regarding your interest rate and the risk of foreclosure if you are a servicemember or a dependent of a servicemember. Counseling for covered servicemembers is available at agencies such as Military OneSource (800-342-9647 or [www.militaryonesource.mil](http://www.militaryonesource.mil)) and Armed Forces Legal Assistance (<http://legalassistance.law.af.mil>). Note: your state may have more expansive eligibility criteria than below. Please contact us as soon as possible if you have any questions or believe you may be eligible.

Eligible service may include, but is not limited to:

- Regular members of the U.S. Armed Forces (Army, Navy, Air Force, Marine Corps and Coast Guard), or
- Reserve and National Guard personnel who have been activated and are on Federal active duty, or
- National Guard personnel under a call or order to active duty for more than 30 consecutive days under section 502(f) of title 32, United States Code, for purposes of responding to a national emergency declared by the President and supported by Federal funds, or
- Active service members of the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration, or
- Certain United States citizens serving with the armed forces of a nation with which the United States is allied in the prosecution of a war or military action.

Please send written notice of military service as soon as possible to:

Select Portfolio Servicing, Inc.  
PO Box 65250 Salt Lake City, UT 84165-0250

If you have questions regarding eligibility and application requirements, please call us at 800-258-8602.

#### **Your Rights**

If you wish to dispute your delinquency or the correctness of the past due amount listed in the 90 Day Notice, you may do so by providing a written dispute to SPS at the following address:

Select Portfolio Servicing, Inc.  
PO Box 65277 Salt Lake City, UT 84165-0277

You may call SPS at our toll free number 800-258-8602 to discuss your dispute. However, to protect your rights under federal law, you will need to provide written notice to SPS if you believe that your dispute is unresolved.

**You have the right to reinstate after acceleration of your loan and commencement of foreclosure proceedings. If you reinstate, the Security Instrument shall remain fully effective as if no acceleration had occurred.**

**You have the right to bring a court action to assert the non-existence of a default or any other defense you may have to acceleration and sale.**

A review of the HUD-1 specifies that Union Capital Mortgage Business Trust was listed as your mortgage broker/originator for this mortgage. We are supplying this information as required by the Commonwealth of Massachusetts.

**Counseling**

HUD approved home ownership counseling may be available to you. You should call (800) 569-4287 or TDD (800) 877-8339, or go to HUD's website at [www.hud.gov/offices/hsg/sfh/hcc/hcs.cfm](http://www.hud.gov/offices/hsg/sfh/hcc/hcs.cfm) to find the HUD-approved housing counseling agency nearest you. You may be eligible for assistance from the Homeownership Preservation Foundation, which may be reached at the Homeowner's HOPE™ Hotline at 888-995-HOPE™ (888-995-4673) or at their website, [www.995hope.org](http://www.995hope.org), or you may seek help from another non-profit foreclosure avoidance agency.

Financial assistance may be available to you from programs operated by the State or Federal Government. Below is a list of Government agencies that you may wish to contact or ascertain whether you qualify for assistance.

**Massachusetts Division of Banks** (617) 956-1500 or (800) 495-BANK (2265)  
**Massachusetts Housing Finance Agency** (617) 854-1000, (413) 733-0999 or (800) 439-2370  
[www.masshousing.com](http://www.masshousing.com)

**HUD Approved Housing Counseling** (800) 569-4287  
<https://www.hud.gov/offices/hsg/sfh/hcc/hcs.cfm>

**Veterans Administration** (800) 827-1000  
**HOPE Hotline** (888) 995-HOPE (4673)

You have options to avoid foreclosure. THE TIME TO ACT IS NOW. Please call us at 800-635-9698.

Sincerely,

Select Portfolio Servicing, Inc.



**Esta carta contiene información importante concerniente a sus derechos. Por favor, traduzca esta carta. Nuestros representantes bilingües están a su disposición para contestar cualquier pregunta. Llámenos al número 800-831-0118 y seleccione/marque la opción 2.**

**This communication from a debt collector is an attempt to collect a debt and any information obtained will be used for that purpose.**





**SPS** SELECT  
SERVICING, INC.

 STEVEN C. EUSTOLO  




- This is an important notice concerning your right to live in your home. Have it translated at once.
- Esta carta explica sus derechos legales para permanecer en su propiedad de vivienda. Por favor traduzca esta notificación inmediatamente.
- Este é um aviso importante em relação ao seu direito de morar na sua residência. Por favor, tem traduzido imediatamente.
- C'est une notification importante concernant votre droit de vivre chez vous. Faites-la traduire immédiatement.
- 这是一则关于您居住权的重要通知, 请尽快安排翻译。

**90-Day Right to Cure Your Mortgage Default**

September 17, 2019

BY FIRST-CLASS MAIL AND BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED

STEVEN C FUSTOLO

RE: 115 SALEM STREET 13, BOSTON, MA 02113; loan [REDACTED] with Select Portfolio Servicing, Inc. (SPS), as servicer for Federal Home Loan Mortgage Corporation, as Trustee for the benefit of the Seasoned Credit Risk Transfer Trust, Series 2019-2 (c/o SPS, PO Box 65250 Salt Lake City, UT 84165-0250) (Mortgagee); Mortgage Loan Originator: Union Capital Mortgage Business Trust;

To STEVEN C FUSTOLO:

We are contacting you because you did not make your monthly loan payment(s) due on [REDACTED] to SPS. You must pay the past due amount of [REDACTED] on or before December 19, 2019, which is 90 days from the date of this notice. The past due amount on the date of this notice is specified below:

- [REDACTED] Principal & Interest due on [REDACTED] Principal & Interest due on [REDACTED]  
[REDACTED] Principal & Interest due on [REDACTED]
- [REDACTED] Outstanding Escrow Balance;
- [REDACTED] Late Charge due on [REDACTED]

If you pay the past due amount, and any additional monthly payments, late charges or fees that may become due between the date of this notice and the date when you make your payment, your account will be considered up-to-date and you can continue to make your regular monthly payments.

Make your payment directly to:

Select Portfolio Servicing, Inc.  
Attn: Cashiering Department  
PO Box 65450 Salt Lake City, UT 84165-0450

Please consider the following:

- You should contact the Homeownership Preservation Foundation (888-995-HOPE) to speak with counselors who can provide assistance and may be able to help you work with your lender to avoid foreclosure;



- If you are a MassHousing borrower, you may also contact MassHousing (617-854-1000) to determine if you are eligible for additional assistance. There may be other homeownership assistance available through your lender or servicer;
- You may also contact the Division of Banks (617-956-1500) or visit [www.mass.gov/foreclosures](http://www.mass.gov/foreclosures) to find a foreclosure prevention program near you;
- After December 19, 2019, you can still avoid foreclosure by paying the total past due amount before a foreclosure sale takes place. Depending on the terms of the loan, there may also be other ways to avoid foreclosure, such as selling your property, refinancing your loan, or voluntarily transferring ownership of the property to Federal Home Loan Mortgage Corporation, as Trustee for the benefit of the Seasoned Credit Risk Transfer Trust, Series 2019-2.

If you do not pay the total past due amount of [REDACTED] and any additional payments that may become due by December 19, 2019, you may be evicted from your home after a foreclosure sale. If Federal Home Loan Mortgage Corporation, as Trustee for the benefit of the Seasoned Credit Risk Transfer Trust, Series 2019-2 forecloses on this property, it means the mortgagee or a new buyer will take over the ownership of your home.

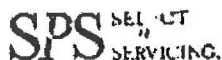
If you have questions, or disagree with the calculation of your past due balance, please contact SPS at 800-635-9698 or PO Box 65277 Salt Lake City, UT 84165-0277.

Sincerely,

Kalyana C. Nimmagadda  
Senior Vice President  
Select Portfolio Servicing, Inc.

Enclosed with this notice, there may be additional important disclosures related to applicable laws and requirements that you should carefully review.

**This communication from a debt collector is an attempt to collect a debt and any information obtained will be used for that purpose.**



September 17, 2019

STEVEN C FUSTOLO

Account Number:  
Property Address:

Dear Customer(s):

This letter provides additional information about your mortgage loan default and is intended to complement the enclosed "90 Day Right to Cure Your Mortgage Default" (the "90 Day Notice"). In the event of any conflict between the terms of this letter and those contained in the 90 Day Notice, the terms of the 90 Day Notice will control.

As noted in the 90 Day Notice, the mortgage on your property is in default as a result of your failure to make payments as required by the Note and Deed of Trust or Mortgage (Security Instrument). Select Portfolio Servicing, Inc. (SPS) services your mortgage loan and has been instructed on behalf of the holder of the promissory note to pursue remedies under the Security Instrument unless you take action to cure the default as detailed in the 90 Day Notice.

#### **Possible Consequences of Default**

If we do not receive the past due amount by the date listed in the 90 Day Notice, or some loss mitigation alternative to foreclosure has not started, SPS may initiate foreclosure and require immediate payment in full of the entire outstanding unpaid amount on the account. In other words, failure to cure the default on or before December 19, 2019 may result in acceleration of sums secured by the Security Instrument and sale of the Property. If that happens, you may lose your home. A foreclosure will result in the involuntary loss of the property via sale to the lender, or another person may acquire the property by means of foreclosure and sale, and you may be evicted. Once foreclosure is initiated, additional amounts for legal fees and costs may be incurred. These sums can be significant. They may be added to amounts secured by the Security Instrument, and they may be required to be paid, to the extent permitted by law, if you wish to reinstate or satisfy the loan after foreclosure is initiated.

The account's Security Instrument may contain information related to your right to reinstate the account. Please note that if the Security Instrument contains limitations with respect to when you can reinstate the account prior to a foreclosure sale, SPS is waiving those limitations and the provisions related to reinstatement contained in the 90-Day Right to Cure Your Mortgage Default will control and SPS will allow reinstatement any time before the foreclosure sale, notwithstanding any such limitations in the Security Instrument.

#### **Payment Options**

Please provide payments to the following address:

Sent via US Mail to:  
Select Portfolio Servicing, Inc.  
PO Box 65450 Salt Lake City, UT 84165-0450

Sent via overnight courier to:  
Select Portfolio Servicing, Inc.  
Attn: Remittance Processing  
3217 S. Decker Lake Dr., Salt Lake City, UT 84119

Payments may be submitted in the following forms:

- Personal check
- Money order
- Bank wire (electronic funds transfer). Please contact SPS for the information necessary to complete a bank wire.
- Certified check, bank check, treasurer's check or cashier's check, provided any such check is drawn upon an institution whose deposits are insured by a federal agency.
- Western Union Quick Collect. Reference the loan number above and deliver to Code City: Oswald, State: UT.





In some circumstances, you may be able to submit a payment through EZ Pay by calling 800-258-8602 or visiting our website at [www.spservicing.com](http://www.spservicing.com). Please remember that EZ Pay payments clear quickly, and you must have the funds in your checking account on the day you ask us to process a payment. We will obtain your consent prior to initiating payment and will advise you of any fee for this service, which may be up to [REDACTED]

SPS requires that you pay reinstatement amounts in certified funds. Certified funds include a bank wire, cashier's bank check, attorney trust account check, title or escrow company check, or Western Union Quick Collect. Please contact SPS at 800-635-9698 for instructions on submitting these funds.

#### **You Have Options to Avoid Foreclosure!**

SPS is committed to home retention and offers many customer assistance programs designed to help customers avoid foreclosure. These programs are offered at no cost to our customers and are designed to help preserve home ownership or prevent foreclosure through structured repayment plans, special payment arrangements, modifications, short settlements, and deed-in-lieu options, if you are eligible. If you would like to learn more about these programs, you should immediately contact an SPS representative at our toll-free number, 800-635-9698, or visit our website at [www.spservicing.com](http://www.spservicing.com). Our representatives are available by phone Monday through Thursday between the hours of 8 a.m. and 11 p.m., Friday from 8 a.m. to 9 p.m., and Saturday from 8 a.m. to 2 p.m., Eastern Time.

**If we can reach an agreement to resolve your default, we will not proceed with and/or commence foreclosure, as long as you comply with the agreement and make required payments.**

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SPS is committed to home ownership assistance for active servicemembers and veterans of the United States military. You may be entitled to certain protections under the federal Servicemembers Civil Relief Act (50 U.S.C. 3901 et seq.) regarding your interest rate and the risk of foreclosure if you are a servicemember or a dependent of a servicemember. Counseling for covered servicemembers is available at agencies such as Military OneSource (800-342-9647 or [www.militaryonesource.mil](http://www.militaryonesource.mil)) and Armed Forces Legal Assistance (<http://legalassistance.law.af.mil>). Note: your state may have more expansive eligibility criteria than below. Please contact us as soon as possible if you have any questions or believe you may be eligible.

Eligible service may include, but is not limited to:

- Regular members of the U.S. Armed Forces (Army, Navy, Air Force, Marine Corps and Coast Guard), or
- Reserve and National Guard personnel who have been activated and are on Federal active duty, or
- National Guard personnel under a call or order to active duty for more than 30 consecutive days under section 502(f) of title 32, United States Code, for purposes of responding to a national emergency declared by the President and supported by Federal funds, or
- Active service members of the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration, or
- Certain United States citizens serving with the armed forces of a nation with which the United States is allied in the prosecution of a war or military action.

Please send written notice of military service as soon as possible to:

Select Portfolio Servicing, Inc.  
PO Box 65250 Salt Lake City, UT 84165-0250

If you have questions regarding eligibility and application requirements, please call us at 800-258-8602.

#### **Your Rights**

If you wish to dispute your delinquency or the correctness of the past due amount listed in the 90 Day Notice, you may do so by providing a written dispute to SPS at the following address:

Select Portfolio Servicing, Inc.  
PO Box 65277 Salt Lake City, UT 84165-0277

You may call SPS at our toll free number 800-258-8602 to discuss your dispute. However, to protect your rights under federal law, you will need to provide written notice to SPS if you believe that your dispute is unresolved.

You have the right to reinstate after acceleration of your loan and commencement of foreclosure proceedings. If you reinstate, the Security Instrument shall remain fully effective as if no acceleration had occurred.

You have the right to bring a court action to assert the non-existence of a default or any other defense you may have to acceleration and sale.

A review of the HUD-1 specifies that Union Capital Mortgage Business Trust was listed as your mortgage broker/originator for this mortgage. We are supplying this information as required by the Commonwealth of Massachusetts.

#### **Counseling**

HUD approved home ownership counseling may be available to you. You should call (800) 569-4287 or TDD (800) 877-8339, or go to HUD's website at [www.hud.gov/offices/hsg/sfh/hcc/hcs.cfm](http://www.hud.gov/offices/hsg/sfh/hcc/hcs.cfm) to find the HUD-approved housing counseling agency nearest you. You may be eligible for assistance from the Homeownership Preservation Foundation, which may be reached at the Homeowner's HOPE™ Hotline at 888-995-HOPE™ (888-995-4673) or at their website, [www.995hope.org](http://www.995hope.org), or you may seek help from another non-profit foreclosure avoidance agency.

Financial assistance may be available to you from programs operated by the State or Federal Government. Below is a list of Government agencies that you may wish to contact or ascertain whether you qualify for assistance.

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**Massachusetts Housing Finance Agency** (617) 854-1000, (413) 733-0999 or (800) 439-2370  
[www.masshousing.com](http://www.masshousing.com)

**HUD Approved Housing Counseling** (800) 569-4287  
<https://www.hud.gov/offices/hsg/sfh/hcc/hcs.cfm>

**Veterans Administration** (800) 827-1000  
**HOPE Hotline** (888) 995-HOPE (4673)

You have options to avoid foreclosure. THE TIME TO ACT IS NOW. Please call us at 800-635-9698.

Sincerely,

Select Portfolio Servicing, Inc.

**Esta carta contiene información importante concerniente a sus derechos. Por favor, traduzca esta carta. Nuestros representantes bilingües están a su disposición para contestar cualquier pregunta. Llámenos al número 800-831-0118 y seleccione/marque la opción 2.**

**This communication from a debt collector is an attempt to collect a debt and any information obtained will be used for that purpose.**



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USPS CERTIFIED MAIL



9214 8901 0764 3208 9871 29

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STEVEN C FUSTOLO



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SPS SELECT  
SERVICING.

 STEVEN C. FUSTOLO





- This is an important notice concerning your right to live in your home. Have it translated at once.
- Esta carta explica sus derechos legales para permanecer en su propiedad de vivienda. Por favor traduzca esta notificación inmediatamente.
- Este é um aviso importante em relação ao seu direito de morar na sua residência. Por favor, tem traduzido imediatamente.
- C'est une notification importante concernant votre droit de vivre chez vous. Faites-la traduire immédiatement.
- 这是一则关于您居住权的重要通知, 请尽快安排翻译。

### 90-Day Right to Cure Your Mortgage Default

September 17, 2019

BY FIRST-CLASS MAIL AND BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED

STEVEN C FUSTOLO

RE: 115 SALEM STREET 13, BOSTON, MA 02113; loan [REDACTED] with Select Portfolio Servicing, Inc. (SPS), as servicer for Federal Home Loan Mortgage Corporation, as Trustee for the benefit of the Seasoned Credit Risk Transfer Trust, Series 2019-2 (c/o SPS, PO Box 65250 Salt Lake City, UT 84165-0250) (Mortgagee); Mortgage Loan Originator: Union Capital Mortgage Business Trust;

To STEVEN C FUSTOLO:

We are contacting you because you did not make your monthly loan payment(s) due on [REDACTED] to SPS. You must pay the past due amount of [REDACTED] on or before December 19, 2019, which is 90 days from the date of this notice. The past due amount on the date of this notice is specified below:

- [REDACTED] Principal & Interest due on [REDACTED] Principal & Interest due on [REDACTED]  
[REDACTED] Principal & Interest due on [REDACTED]
- [REDACTED] Outstanding Escrow Balance;
- [REDACTED] Late Charge due on [REDACTED]

If you pay the past due amount, and any additional monthly payments, late charges or fees that may become due between the date of this notice and the date when you make your payment, your account will be considered up-to-date and you can continue to make your regular monthly payments.

Make your payment directly to:

Select Portfolio Servicing, Inc.  
Attn: Cashiering Department  
PO Box 65450 Salt Lake City, UT 84165-0450

Please consider the following:

- You should contact the Homeownership Preservation Foundation (888-995-HOPE) to speak with counselors who can provide assistance and may be able to help you work with your lender to avoid foreclosure;



- If you are a MassHousing borrower, you may also contact MassHousing (617-854-1000) to determine if you are eligible for additional assistance. There may be other homeownership assistance available through your lender or servicer;
- You may also contact the Division of Banks (617-956-1500) or visit [www.mass.gov/foreclosures](http://www.mass.gov/foreclosures) to find a foreclosure prevention program near you;
- After December 19, 2019, you can still avoid foreclosure by paying the total past due amount before a foreclosure sale takes place. Depending on the terms of the loan, there may also be other ways to avoid foreclosure, such as selling your property, refinancing your loan, or voluntarily transferring ownership of the property to Federal Home Loan Mortgage Corporation, as Trustee for the benefit of the Seasoned Credit Risk Transfer Trust, Series 2019-2.

**If you do not pay the total past due amount of [REDACTED] and any additional payments that may become due by December 19, 2019, you may be evicted from your home after a foreclosure sale. If Federal Home Loan Mortgage Corporation, as Trustee for the benefit of the Seasoned Credit Risk Transfer Trust, Series 2019-2 forecloses on this property, it means the mortgagee or a new buyer will take over the ownership of your home.**

If you have questions, or disagree with the calculation of your past due balance, please contact SPS at 800-635-9698 or PO Box 65277 Salt Lake City, UT 84165-0277.

Sincerely,

Kalyana C. Nimmagadda  
Senior Vice President  
Select Portfolio Servicing, Inc.

Enclosed with this notice, there may be additional important disclosures related to applicable laws and requirements that you should carefully review.

**This communication from a debt collector is an attempt to collect a debt and any information obtained will be used for that purpose.**



September 17, 2019

STEVEN C FUSTOLO

Account Number:  
Property Address:

Dear Customer(s):

This letter provides additional information about your mortgage loan default and is intended to complement the enclosed "90 Day Right to Cure Your Mortgage Default" (the "90 Day Notice"). In the event of any conflict between the terms of this letter and those contained in the 90 Day Notice, the terms of the 90 Day Notice will control.

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**Possible Consequences of Default**

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**Payment Options**

Please provide payments to the following address:

Sent via US Mail to:  
Select Portfolio Servicing, Inc.  
PO Box 65450 Salt Lake City, UT 84165-0450

Sent via overnight courier to:  
Select Portfolio Servicing, Inc.  
Attn: Remittance Processing  
3217 S. Decker Lake Dr., Salt Lake City, UT 84119

Payments may be submitted in the following forms:

- Personal check
- Money order
- Bank wire (electronic funds transfer). Please contact SPS for the information necessary to complete a bank wire.
- Certified check, bank check, treasurer's check or cashier's check, provided any such check is drawn upon an institution whose deposits are insured by a federal agency.
- Western Union Quick Collect. Reference the loan number above and deliver to Code City: Oswald, State: UT.





In some circumstances, you may be able to submit a payment through EZ Pay by calling 800-258-8602 or visiting our website at [www.spservicing.com](http://www.spservicing.com). Please remember that EZ Pay payments clear quickly, and you must have the funds in your checking account on the day you ask us to process a payment. We will obtain your consent prior to initiating payment and will advise you of any fee for this service, which may be up to [REDACTED]

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- National Guard personnel under a call or order to active duty for more than 30 consecutive days under section 502(f) of title 32, United States Code, for purposes of responding to a national emergency declared by the President and supported by Federal funds, or
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- Certain United States citizens serving with the armed forces of a nation with which the United States is allied in the prosecution of a war or military action.

Please send written notice of military service as soon as possible to:

Select Portfolio Servicing, Inc.  
PO Box 65250 Salt Lake City, UT 84165-0250

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**Counseling**

HUD approved home ownership counseling may be available to you. You should call (800) 569-4287 or TDD (800) 877-8339, or go to HUD's website at [www.hud.gov/offices/hsg/sfh/hcc/hcs.cfm](http://www.hud.gov/offices/hsg/sfh/hcc/hcs.cfm) to find the HUD-approved housing counseling agency nearest you. You may be eligible for assistance from the Homeownership Preservation Foundation, which may be reached at the Homeowner's HOPE™ Hotline at 888-995-HOPE™ (888-995-4673) or at their website, [www.995hope.org](http://www.995hope.org), or you may seek help from another non-profit foreclosure avoidance agency.

Financial assistance may be available to you from programs operated by the State or Federal Government. Below is a list of Government agencies that you may wish to contact or ascertain whether you qualify for assistance.

**Massachusetts Division of Banks** (617) 956-1500 or (800) 495-BANK (2265)  
**Massachusetts Housing Finance Agency** (617) 854-1000, (413) 733-0999 or (800) 439-2370  
[www.masshousing.com](http://www.masshousing.com)

**HUD Approved Housing Counseling** (800) 569-4287  
<https://www.hud.gov/offices/hsg/sfh/hcc/hcs.cfm>

**Veterans Administration** (800) 827-1000  
**HOPE Hotline** (888) 995-HOPE (4673)

You have options to avoid foreclosure. THE TIME TO ACT IS NOW. Please call us at 800-635-9698.

Sincerely,

Select Portfolio Servicing, Inc.

**Esta carta contiene información importante concerniente a sus derechos. Por favor, traduzca esta carta. Nuestros representantes bilingües están a su disposición para contestar cualquier pregunta. Llámenos al numero 800-831-0118 y seleccione/marque la opción 2.**

**This communication from a debt collector is an attempt to collect a debt and any information obtained will be used for that purpose.**



**SPS** SELECT  
SERVICING, P.A.

 STEVEN G. EUSTOLO



- This is an important notice concerning your right to live in your home. Have it translated at once.
- Esta carta explica sus derechos legales para permanecer en su propiedad de vivienda. Por favor traduzca esta notificación inmediatamente.
- Este é um aviso importante em relação ao seu direito de morar na sua residência. Por favor, tem traduzido imediatamente.
- C'est une notification importante concernant votre droit de vivre chez vous. Faites-la traduire immédiatement.
- 这是一则关于您居住权的重要通知, 请尽快安排翻译。

### 90-Day Right to Cure Your Mortgage Default

September 17, 2019

BY FIRST-CLASS MAIL AND BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED

STEVEN C FUSTOLO

RE: 115 SALEM STREET 13, BOSTON, MA 02113; loan [REDACTED] with Select Portfolio Servicing, Inc. (SPS), as servicer for Federal Home Loan Mortgage Corporation, as Trustee for the benefit of the Seasoned Credit Risk Transfer Trust, Series 2019-2 (c/o SPS, PO Box 65250 Salt Lake City, UT 84165-0250) (Mortgagee); Mortgage Loan Originator: Union Capital Mortgage Business Trust;

To STEVEN C FUSTOLO:

We are contacting you because you did not make your monthly loan payment(s) due on [REDACTED] to SPS. You must pay the past due amount of [REDACTED] on or before December 19, 2019, which is 90 days from the date of this notice. The past due amount on the date of this notice is specified below:

- [REDACTED] Principal & Interest due on [REDACTED] Principal & Interest due on [REDACTED]  
[REDACTED] Principal & Interest due on [REDACTED]
- [REDACTED] Outstanding Escrow Balance;
- [REDACTED] Late Charge due on [REDACTED]

If you pay the past due amount, and any additional monthly payments, late charges or fees that may become due between the date of this notice and the date when you make your payment, your account will be considered up-to-date and you can continue to make your regular monthly payments.

Make your payment directly to:

Select Portfolio Servicing, Inc.  
Attn: Cashiering Department  
PO Box 65450 Salt Lake City, UT 84165-0450

Please consider the following:

- You should contact the Homeownership Preservation Foundation (888-995-HOPE) to speak with counselors who can provide assistance and may be able to help you work with your lender to avoid foreclosure;





- If you are a MassHousing borrower, you may also contact MassHousing (617-854-1000) to determine if you are eligible for additional assistance. There may be other homeownership assistance available through your lender or servicer;
- You may also contact the Division of Banks (617-956-1500) or visit [www.mass.gov/foreclosures](http://www.mass.gov/foreclosures) to find a foreclosure prevention program near you;
- After December 19, 2019, you can still avoid foreclosure by paying the total past due amount before a foreclosure sale takes place. Depending on the terms of the loan, there may also be other ways to avoid foreclosure, such as selling your property, refinancing your loan, or voluntarily transferring ownership of the property to Federal Home Loan Mortgage Corporation, as Trustee for the benefit of the Seasoned Credit Risk Transfer Trust, Series 2019-2.

**If you do not pay the total past due amount of [REDACTED] and any additional payments that may become due by December 19, 2019, you may be evicted from your home after a foreclosure sale. If Federal Home Loan Mortgage Corporation, as Trustee for the benefit of the Seasoned Credit Risk Transfer Trust, Series 2019-2 forecloses on this property, it means the mortgagee or a new buyer will take over the ownership of your home.**

If you have questions, or disagree with the calculation of your past due balance, please contact SPS at 800-635-9698 or PO Box 65277 Salt Lake City, UT 84165-0277.

Sincerely,

Kalyana C. Nimmagadda  
Senior Vice President  
Select Portfolio Servicing, Inc.

Enclosed with this notice, there may be additional important disclosures related to applicable laws and requirements that you should carefully review.

**This communication from a debt collector is an attempt to collect a debt and any information obtained will be used for that purpose.**



September 17, 2019

STEVEN C FUSTOLO  
[REDACTED]

Account Number: [REDACTED]  
Property Address: [REDACTED]

Dear Customer(s):

This letter provides additional information about your mortgage loan default and is intended to complement the enclosed "90 Day Right to Cure Your Mortgage Default" (the "90 Day Notice"). In the event of any conflict between the terms of this letter and those contained in the 90 Day Notice, the terms of the 90 Day Notice will control.

As noted in the 90 Day Notice, the mortgage on your property is in default as a result of your failure to make payments as required by the Note and Deed of Trust or Mortgage (Security Instrument). Select Portfolio Servicing, Inc. (SPS) services your mortgage loan and has been instructed on behalf of the holder of the promissory note to pursue remedies under the Security Instrument unless you take action to cure the default as detailed in the 90 Day Notice.

**Possible Consequences of Default**

If we do not receive the past due amount by the date listed in the 90 Day Notice, or some loss mitigation alternative to foreclosure has not started, SPS may initiate foreclosure and require immediate payment in full of the entire outstanding unpaid amount on the account. In other words, failure to cure the default on or before December 19, 2019 may result in acceleration of sums secured by the Security Instrument and sale of the Property. If that happens, you may lose your home. A foreclosure will result in the involuntary loss of the property via sale to the lender, or another person may acquire the property by means of foreclosure and sale, and you may be evicted. Once foreclosure is initiated, additional amounts for legal fees and costs may be incurred. These sums can be significant. They may be added to amounts secured by the Security Instrument, and they may be required to be paid, to the extent permitted by law, if you wish to reinstate or satisfy the loan after foreclosure is initiated.

The account's Security Instrument may contain information related to your right to reinstate the account. Please note that if the Security Instrument contains limitations with respect to when you can reinstate the account prior to a foreclosure sale, SPS is waiving those limitations and the provisions related to reinstatement contained in the 90-Day Right to Cure Your Mortgage Default will control and SPS will allow reinstatement any time before the foreclosure sale, notwithstanding any such limitations in the Security Instrument.

**Payment Options**

Please provide payments to the following address:

Sent via US Mail to:  
Select Portfolio Servicing, Inc.  
PO Box 65450 Salt Lake City, UT 84165-0450

Sent via overnight courier to:  
Select Portfolio Servicing, Inc.  
Attn: Remittance Processing  
3217 S. Decker Lake Dr., Salt Lake City, UT 84119

Payments may be submitted in the following forms:

- Personal check
- Money order
- Bank wire (electronic funds transfer). Please contact SPS for the information necessary to complete a bank wire.
- Certified check, bank check, treasurer's check or cashier's check, provided any such check is drawn upon an institution whose deposits are insured by a federal agency.
- Western Union Quick Collect. Reference the loan number above and deliver to Code City: Oswald, State: UT.





In some circumstances, you may be able to submit a payment through EZ Pay by calling 800-258-8602 or visiting our website at [www.spservicing.com](http://www.spservicing.com). Please remember that EZ Pay payments clear quickly, and you must have the funds in your checking account on the day you ask us to process a payment. We will obtain your consent prior to initiating payment and will advise you of any fee for this service, which may be up to [REDACTED]

SPS requires that you pay reinstatement amounts in certified funds. Certified funds include a bank wire, cashier's bank check, attorney trust account check, title or escrow company check, or Western Union Quick Collect. Please contact SPS at 800-635-9698 for instructions on submitting these funds.

#### **You Have Options to Avoid Foreclosure!**

SPS is committed to home retention and offers many customer assistance programs designed to help customers avoid foreclosure. These programs are offered at no cost to our customers and are designed to help preserve home ownership or prevent foreclosure through structured repayment plans, special payment arrangements, modifications, short settlements, and deed-in-lieu options, if you are eligible. If you would like to learn more about these programs, you should immediately contact an SPS representative at our toll-free number, 800-635-9698, or visit our website at [www.spservicing.com](http://www.spservicing.com). Our representatives are available by phone Monday through Thursday between the hours of 8 a.m. and 11 p.m., Friday from 8 a.m. to 9 p.m., and Saturday from 8 a.m. to 2 p.m., Eastern Time.

**If we can reach an agreement to resolve your default, we will not proceed with and/or commence foreclosure, as long as you comply with the agreement and make required payments.**

#### **Servicemembers Civil Relief Act (SCRA)**

SPS is committed to home ownership assistance for active servicemembers and veterans of the United States military. You may be entitled to certain protections under the federal Servicemembers Civil Relief Act (50 U.S.C. 3901 et seq.) regarding your interest rate and the risk of foreclosure if you are a servicemember or a dependent of a servicemember. Counseling for covered servicemembers is available at agencies such as Military OneSource (800-342-9647 or [www.militaryonesource.mil](http://www.militaryonesource.mil)) and Armed Forces Legal Assistance (<http://legalassistance.law.af.mil>). Note: your state may have more expansive eligibility criteria than below. Please contact us as soon as possible if you have any questions or believe you may be eligible.

Eligible service may include, but is not limited to:

- Regular members of the U.S. Armed Forces (Army, Navy, Air Force, Marine Corps and Coast Guard), or
- Reserve and National Guard personnel who have been activated and are on Federal active duty, or
- National Guard personnel under a call or order to active duty for more than 30 consecutive days under section 502(f) of title 32, United States Code, for purposes of responding to a national emergency declared by the President and supported by Federal funds, or
- Active service members of the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration, or
- Certain United States citizens serving with the armed forces of a nation with which the United States is allied in the prosecution of a war or military action.

Please send written notice of military service as soon as possible to:

Select Portfolio Servicing, Inc.  
PO Box 65250 Salt Lake City, UT 84165-0250

If you have questions regarding eligibility and application requirements, please call us at 800-258-8602.

#### **Your Rights**

If you wish to dispute your delinquency or the correctness of the past due amount listed in the 90 Day Notice, you may do so by providing a written dispute to SPS at the following address:

Select Portfolio Servicing, Inc.  
PO Box 65277 Salt Lake City, UT 84165-0277

You may call SPS at our toll free number 800-258-8602 to discuss your dispute. However, to protect your rights under federal law, you will need to provide written notice to SPS if you believe that your dispute is unresolved.

You have the right to reinstate after acceleration of your loan and commencement of foreclosure proceedings. If you reinstate, the Security Instrument shall remain fully effective as if no acceleration had occurred.

You have the right to bring a court action to assert the non-existence of a default or any other defense you may have to acceleration and sale.



A review of the HUD-1 specifies that Union Capital Mortgage Business Trust was listed as your mortgage broker/originator for this mortgage. We are supplying this information as required by the Commonwealth of Massachusetts.

#### **Counseling**

HUD approved home ownership counseling may be available to you. You should call (800) 569-4287 or TDD (800) 877-8339, or go to HUD's website at [www.hud.gov/offices/hsg/sfh/hcc/hcs.cfm](http://www.hud.gov/offices/hsg/sfh/hcc/hcs.cfm) to find the HUD-approved housing counseling agency nearest you. You may be eligible for assistance from the Homeownership Preservation Foundation, which may be reached at the Homeowner's HOPE™ Hotline at 888-995-HOPE™ (888-995-4673) or at their website, [www.995hope.org](http://www.995hope.org), or you may seek help from another non-profit foreclosure avoidance agency.

Financial assistance may be available to you from programs operated by the State or Federal Government. Below is a list of Government agencies that you may wish to contact or ascertain whether you qualify for assistance.

**Massachusetts Division of Banks** (617) 956-1500 or (800) 495-BANK (2265)  
**Massachusetts Housing Finance Agency** (617) 854-1000, (413) 733-0999 or (800) 439-2370  
[www.masshousing.com](http://www.masshousing.com)

**HUD Approved Housing Counseling** (800) 569-4287  
<https://www.hud.gov/offices/hsg/sfh/hcc/hcs.cfm>

**Veterans Administration** (800) 827-1000  
**HOPE Hotline** (888) 995-HOPE (4673)

You have options to avoid foreclosure. THE TIME TO ACT IS NOW. Please call us at 800-635-9698.

Sincerely,

Select Portfolio Servicing, Inc.

**Esta carta contiene información importante concerniente a sus derechos. Por favor, traduzca esta carta. Nuestros representantes bilingües están a su disposición para contestar cualquier pregunta. Llámenos al numero 800-831-0118 y seleccione/marque la opción 2.**

**This communication from a debt collector is an attempt to collect a debt and any information obtained will be used for that purpose.**



**TAB F**

## 209 CMR: DIVISION OF BANKS AND LOAN AGENCIES

56.02: continued

Residential Property means real property located in the Commonwealth having thereon a dwelling house with accommodations for four or less separate households and occupied, or to be occupied, in whole or in part by the borrower; provided, however, that residential property shall be limited to the principal residence of a person; provided further, that residential property shall not include an investment property or residence other than a primary residence; and provided further, that residential property shall not include residential property taken in whole or in part as collateral for a commercial loan; and provided further, that for the purpose of determining whether a loan is a certain mortgage loan, residential property shall not include a property subject to condemnation or receivership.

56.03: When to Provide the Right to Cure Notice

(1) 90-day Right to Cure Notice. A mortgagee must provide a 90-day Right to Cure Notice to the borrower in accordance with 209 CMR 56.04 at least 90 days prior to accelerating maturity of the unpaid balance of the mortgage obligation or otherwise enforcing the mortgage because of a default consisting of the borrower's failure to make a required payment as provided in the mortgage or note.

(2) Borrower Eligibility. The right to cure a mortgage default shall be granted to a borrower once during any five year period, regardless of the mortgage holder.

(3) Delivery.

(a) Pursuant to M.G.L. c. 244, § 35A(b), the mortgagee shall deliver the Right to Cure Notice to the borrower by:

1. Hand-delivery; or
2. First-class and certified mail or similar service provided by a private carrier to the borrower at the borrower's address last known to the mortgagee or anyone holding thereunder.

(b) The Right to Cure Notice may be provided to a borrower in default with the written notice issued pursuant to 12 CFR 1024.39(b), if included as a separate document and delivered in accordance with 209 CMR 56.03(3)(a).

(4) Authorization to Send the Right to Cure Notice. A mortgagee may not send the Right to Cure Notice under 209 CMR 56.03(1), unless it has been authorized to collect on the default.

(5) Authorization to Accelerate, Foreclose or Seize the Home through Foreclosure. The mortgagee, or anyone holding thereunder, may take steps to terminate the borrower's ownership in the property by acceleration of the mortgage, a foreclosure proceeding or other action to seize the home, if the borrower does not cure the default by the date specified on the Right to Cure Notice. Furthermore, in accordance with M.G.L. c. 244, § 35A(e), the mortgagee, or anyone holding thereunder, shall file a copy of the Right to Cure Notice and an affidavit demonstrating compliance with M.G.L. c. 244, § 35A, in any action or proceeding to foreclose on such residential property.

56.04: Right to Cure Notice

In accordance with 209 CMR 56.03, the "90-day Right to Cure Your Mortgage Default" notice must conform to the following:

- ❖ This is an important notice concerning your right to live in your home. Have it translated at once.
- ❖ Esta carta explica sus derechos legales para permanecer en su propiedad de vivienda. Por favor traduzca esta notificación inmediatamente.
- ❖ Este é um aviso importante em relação ao seu direito de morar na sua residência. Por favor, tem traduzido imediatamente.
- ❖ C'est une notification importante concernant votre droit de vivre chez vous. Faites-la traduire immédiatement.
- ❖ 这是一则关于您居住权的重要通知，请儘快安排翻译。



209 CMR: DIVISION OF BANKS AND LOAN AGENCIES

56.04: continued

90-day Right to Cure Your Mortgage Default

[Date]

[POSTAL DELIVERY METHOD]

[Recipient Name]

[Street Address]

[City, ST ZIP Code]

RE: [PROPERTY ADDRESS]; loan [ACCOUNT NO.] with [MORTGAGEE]; [MORTGAGE BROKER/LOAN ORIGINATOR, if applicable]

To [NAME OF BORROWER/S]:

We are contacting you because you did not make your monthly loan payment[s] due on [MORTGAGE PAYMENT DUE DATE/S] to [MORTGAGEE]. You must pay the past due amount of [PAYABLE AMOUNT] on or before [90 DAY EXPIRATION DATE], which is 90 days from the date of this notice. The past due amount on the date of this notice is specified below:

- [UNPAID MORTGAGE PAYMENTS AND DELINQUENCY DATES]
- [INTEREST ACCRUED/PER DIEM INTEREST]
- [APPLICABLE UNPAID ESCROW CONTRIBUTIONS]
- [OTHER LATE CHARGES OR FEES]

If you pay the past due amount, and any additional monthly payments, late charges or fees that may become due between the date of this notice and the date when you make your payment, your account will be considered up-to-date and you can continue to make your regular monthly payments.

Make your payment directly to:

[INCLUDE THE NAME OF PAYMENT CONTACT, DEPARTMENT AND ADDRESS at the MORTGAGEE'S LOCATION].

Please consider the following:

- You should contact the Homeownership Preservation Foundation (888-995-HOPE) to speak with counselors who can provide assistance and may be able to help you work with your lender to avoid foreclosure.
- If you are a MassHousing borrower, you may also contact MassHousing (888-843-6432) to determine if you are eligible for additional assistance. There may be other homeownership assistance available through your lender or servicer.
- You may also contact the Division of Banks (617-956-1500) or visit [www.mass.gov/foreclosures](http://www.mass.gov/foreclosures) to find a foreclosure prevention program near you.
- After [90 DAY EXPIRATION DATE], you can still avoid foreclosure by paying the total past due amount before a foreclosure sale takes place. Depending on the terms of the loan, there may also be other ways to avoid foreclosure, such as selling your property, refinancing your loan, or voluntarily transferring ownership of the property to [MORTGAGEE].

**If you do not pay the total past due amount of [PAYABLE AMOUNT] and any additional payments that may become due by [90 DAY EXPIRATION DATE], you may be evicted from your home after a foreclosure sale. If [MORTGAGEE] forecloses on this property, it means the mortgagee or a new buyer will take over the ownership of your home.**

## 209 CMR: DIVISION OF BANKS AND LOAN AGENCIES

56.04: continued

If you have questions, or disagree with the calculation of your past due balance, please contact [MORTGAGEE] at [LOCAL OR TOLL FREE TELEPHONE NUMBER, EXTENSION NUMBER] or [ADDRESS].

Sincerely,

[Your Name]

Enclosed with this notice, there may be additional important disclosures related to applicable laws and requirements that you should carefully review.

56.05: Right to Request a Modified Mortgage Loan: Process

(1) Right to Request a Modified Mortgage Loan Notice. A creditor must send a Right to Request a Modified Mortgage Loan Notice in accordance with 209 CMR 56.09 to a borrower who has a certain mortgage loan concurrently with the Right to Cure Notice required under 209 CMR 56.03(1), if applicable.

(a) A creditor shall request a statement of the borrower's income and a complete list of debts and obligations concurrently with the Right to Request a Modified Mortgage Loan Notice. A creditor may use the Required Documents for Loan Modification Application form under 209 CMR 56.10 or other similar form.

(b) A copy of the Right to Request a Modified Mortgage Loan Notice shall be filed with the Office of the Attorney General.

(2) Borrower Eligibility. The right to request a mortgage loan modification shall be granted to a borrower who has a certain mortgage loan once during any three year period, regardless of the mortgage holder.

(3) Delivery.

(a) The creditor shall deliver the Right to Request a Modified Mortgage Loan Notice to the borrower by:

1. Hand-delivery; or
2. First class and certified mail, or similar service provided by a private carrier, to the borrower at the borrower's address last known to the creditor or anyone holding thereunder.

(b) The Right to Request a Modified Mortgage Loan Notice may be provided to a borrower in default with the written notice issued pursuant to 12 CFR 1024.39(b), if included as a separate document and delivered in accordance with 209 CMR 56.05(3)(a).

(4) Authorization to Send the Notice. A creditor may not send the Right to Request a Modified Mortgage Loan Notice under 209 CMR 56.05(1) unless it has been authorized to collect on the default.

(5) Borrower's Response to the Notice. The borrower shall notify the creditor of the mortgage modification option selected by the borrower within 30 days following delivery of the notice to the borrower, in accordance with 209 CMR 56.06(1).

(6) Creditor's Response to Borrower's Request for Modification. Not more than 30 days following receipt of a borrower's notification that the borrower intends to request a mortgage loan modification and a completed loan modification application pursuant to 209 CMR 56.06(1), or following receipt of the later of the notification or application if submitted separately, a creditor shall provide the borrower with a written assessment of the borrower's ability to make an affordable monthly payment. This assessment shall include the following:

- (a) A written statement of the borrower's income, debts, assets and obligations as determined by the creditor;
- (b) The creditor's net present value analysis of a modified mortgage loan;
- (c) The creditor's anticipated net recovery at foreclosure;
- (d) A statement of the interests of the creditor; and
- (e) A modified mortgage loan offer or a notice that no modified mortgage loan will be offered.